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No. 50] NEW DELHI, DECEMBER 7—DECEMBER 13, 2008, SATURDAY/AGRAHAYANA 16—AGRAHAYANA 22, 1930

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 1 दिसम्बर, 2008

का.आ. 3258.—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार राजस्थान उच्च न्यायालय, जयपुर में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थित मामलों में अभियोजन, अपील, पुनरीक्षण या इन मामलों से उद्भूत अन्य मामलों में श्री तेज प्रकाश शर्मा, एडवोकेट, राजस्थान उच्च न्यायालय, जयपुर में केन्द्रीय अन्वेषण ब्यूरो के रिटेनर काउंसिल को विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/40/2008—एवीडी-II]

चंद्र प्रकाश, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC
GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 1st December, 2008

S.O. 3258.—In exercise of the powers conferred by the provisions of sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri Tej Prakash Sharma, Advocate a Retainer Counsel of Central Bureau of Investigation in the Rajasthan High Court at Jaipur as Special Public Prosecutor, for conducting prosecution appeals, revisions or other proceedings arising out of the cases investigated by the Delhi Special Police Establishment, in the Rajasthan High Court at Jaipur.

[No. 225/40/2008—AVD-II]

CHANDRA PRAKASH, Under Secy.

वित्त मंत्रालय

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 3 दिसम्बर, 2008

का.आ. 3259.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 21क के साथ पठित, धारा 21की उपधारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक के परामर्श से, एतद्वारा, श्री टी पी एम इब्राहिम खान, यूनाइटेड लॉ चेंबर, जूनियर एस आर एम रोड एर्णाकुलम, कोची को, अधिसूचना की तारीख से एक वर्ष की अवधि के लिए अथवा अगले आदेश होने तक, जो भी पहले हो, तिरुवनंतपुरम स्थित भारतीय स्टेट बैंक के स्थानीय बोर्ड के सदस्य के रूप में नामित करती है।

[फा. सं. 8/6/2006-बीओ-I]

जी. बी. सिंह, उप सचिव

MINISTRY OF FINANCE

(Department of Financial Services)

New Delhi, the 3rd December, 2008

S.O. 3259.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 21, read with Section 21A of the State Bank of India Act, 1955 (23 of 1955), the Central Government, in consultation with Reserve Bank of India, hereby nominates Shri TPM Ibrahim Khan, resident of United Law Chamber Near Lisie Jn. SRM Road Ernakulam, Kochi as Member of the Local Board of State Bank of India at Thiruvananthapuram for a period of one year, and four months from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 8/6/2006-BO-I]

G. B. SINGH, Dy. Secy.

नई दिल्ली, 4 दिसम्बर, 2008

का.आ. 3260.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबन्ध) स्कीम, 1970/1980 के खण्ड 3 के उप-खण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा 3 (ज) और (3-क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, भारतीय रिजर्व बैंक के परामर्श से, श्री हरि चन्द बहादुर सिंह को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्षों के लिए अथवा अगला आदेश होमे तक, जो भी पहले हो, पंजाब एवं सिंध बैंक के निदेशक मंडल में अल्पकालिक गैर सरकारी निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/44/2005-बीओ-I]

जी. बी. सिंह, उप सचिव

New Delhi, the 4th December, 2008

S.O. 3260.—In exercise of the powers conferred by sub-section 3(h) and (3-A) of Section 9 of the Banking Companies (Acquisition & Transfer of Undertakings) Act, 1970/1980 read with sub-clause (1) of clause 3 of the Nationalised Banks (Management & Miscellaneous Provisions) Scheme, 1970/1980, the Central Government hereby nominates Shri Hari Chand Bahadur Singh as part-time non-official Director on the Board of Directors of Punjab & Sind Bank, for a period of three years from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 9/44/2005-BO-I]

G. B. SINGH, Dy. Secy.

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 1 दिसम्बर, 2008

का.आ. 3261.—इस मंत्रालय की दिनांक 11 जुलाई, 2007 की समसंख्यक अधिसूचना के क्रम में तथा चलचित्र (प्रमाणन) नियम, 1983 के नियम 7 एवं 8 के साथ पठित चलचित्र अधिनियम, 1952 (1952 का 37) की धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार श्री एम. रणजीत, रोहिणी, एस.एस. कोयल रोड, जवाहर नगर, कोवडियार, तिरुवनंतपुरम (केरल) को तत्काल प्रभाव से दो वर्ष की अवधि के लिए अथवा अगले आदेश होने तक, इनमें से जो भी पहले हो, केन्द्रीय फिल्म प्रमाणन बोर्ड के तिरुवनंतपुरम सलाहकार पैनल का सदस्य नियुक्त करती है।

[फा. सं. 809/6/2007-एफ(सी)]

संगीता सिंह, निदेशक (फिल्म)

MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 1st December, 2008

S.O. 3261.—In continuation of this Ministry's Notification of even number dated 11th July, 2007 and in exercise of the powers conferred by sub-section (1) of Section 5 of the Cinematograph Act, 1952 (37 of 1952) read with rules 7 and 8 of the Cinematograph (Certification) Rules, 1983 the Central Government is pleased to appoint Shri M. Renjith, Rohini, S.S. Koil Road, Jawahar Nagar, Kowdiar, Thiruvananthapuram (Kerala) as a member of the Thiruvananthapuram advisory panel of the Cntal Board of Film Certification with immediate effect for a period of two years, or until further orders, whichever is earlier.

[F. No. 809/6/2007-F(C)]

SANGEETA SINGH, Director (Films)

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 28 नवम्बर, 2008

का.आ. 3262.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (उच्चतर शिक्षा विभाग) के अन्तर्गत भारतीय सूचना प्रौद्योगिकी संस्थान, इलाहाबाद को, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. 11011-7/2005-रा.भा.ए.]

अनिता भटनागर जैन, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Higher Education)

New Delhi, the 28th November, 2008

S.O. 3262.—In pursuance of sub rule (4) of rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the Indian Institute of Information Technology, Allahabad under the Ministry of Human Resource Development, (Deptt. of Higher Education) whose more than 80% members of the staff have acquired working knowledge of Hindi.

[No. 11011-7/2005-O.L.U.]

ANITA BHATNAGAR JAIN, Jt. Secy.

रसायन और उर्वरक मंत्रालय

(उर्वरक विभाग)

नई दिल्ली, 24 नवम्बर, 2008

का.आ. 3263.—केन्द्रीय सरकार, राजभाषा "संघ के शासकीय प्रयोजनों के लिए प्रयोग" नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में रसायन एवं उर्वरक मंत्रालय, उर्वरक विभाग के प्रशासनिक नियंत्रणाधीन प्रोजेक्ट्स एण्ड डेवलपमेंट इंडिया लिमिटेड, के निम्नलिखित कार्यालयों जिनके 80 प्रतिशत से अधिक अर्थात् लगभग शत-प्रतिशत कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

(i) प्रोजेक्ट्स एण्ड डेवलपमेंट इंडिया लिमिटेड, बड़ौदा

(ii) प्रोजेक्ट्स एण्ड डेवलपमेंट इंडिया लिमिटेड, बंगलौर

[सं. ई-11011/4/2008-हिंदी]

सतीश चंद्र, संयुक्त सचिव

MINISTRY OF CHEMICALS AND FERTILIZERS

(Department of Fertilizers)

New Delhi, the 24th November, 2008

S.O. 3263.—In pursuance of sub rule (4) of rule 10 of the Official Language "Use for Official purposes of the Union" Rules, 1976, the Central Government hereby notifies the following offices of the Projects & Development India Ltd. under the administrative control of the Ministry of Chemicals & Fertilizers, Department of Fertilizers whereof more than 80% i.e. about 100% staff have acquired the working knowledge of Hindi.

(i) Projects & Development India Limited, Baroda

(ii) Projects & Development India Limited, Bangalore

[No. E-11011/4/2008-Hindi]

SATISH CHANDRA, Jt. Secy.

वाणिज्य और उद्योग मंत्रालय

(वाणिज्य विभाग)

नई दिल्ली, 25 नवम्बर, 2008

का.आ. 3264.—केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 12 के उपनियम (2) के साथ पठित, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इन्सपेक्टोरेट ग्रिप्थ इंडिया प्राइवेट लिमिटेड, सं. आर-26, इंडस्ट्रियल इस्टेट, डाम रोड, होसपेट-583203 को इस अधिसूचना के राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3975 तारीख 20 दिसम्बर, 1965 से उपाबद्ध अनुसूची में यथा विनिर्दिष्ट खनिज और अयस्क (समूह -I) अर्थात् लौह अयस्क और मैंगनीज अयस्क का निम्नलिखित शर्तों के अधीन रहते हुए उक्त खनिज और अयस्कों का होसपेट में निर्यात से पूर्व निरीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :-

(i) मैसर्स इन्सपेक्टोरेथ ग्रिप्थ इंडिया प्राइवेट लिमिटेड, होसपेट, खनिज और अयस्क समूह-I का निर्यात (निरीक्षण) नियम 1965 के नियम 4 के अधीन निरीक्षण प्रमाण पत्र देने के लिए उनके द्वारा अनुसरित पद्धति की परीक्षा करने के लिए, इस निमित्त निर्यात निरीक्षण काउंसिल द्वारा नाम निर्देशित अधिकारियों को, पर्याप्त सुविधाएं देगी ;

(ii) मैसर्स इन्सपेक्टोरेथ ग्रिप्थ इंडिया प्राइवेट लिमिटेड, होसपेट, इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों से आबद्ध होगी जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) निर्यात निरीक्षण काउंसिल द्वारा समय-समय पर लिखित रूप में दिए जाएं।

[फा. सं. 5/13/2008-ईआई एंड ईपी]

किरण पुरी, निदेशक

MINISTRY OF COMMERCE AND INDUSTRY**(Department of Commerce)**

New Delhi, the 25th November, 2008

S.O. 3264.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules 1964, the Central Government hereby recognised M/s. Inspectorate Griffith India Private Limited, No. R-26, Industrial Estate, Dam Road, Hospet-583203, as an agency for a period of three years with effect from the date of publication of this notification, for inspection of Minerals and Ores (Group-I), namely, Iron Ore and Manganese Ore, as specified in the Schedule annexed to the notifications of the Government of India in the Ministry of Commerce Number S.O. 3975 dated the 20th day of December, 1965, prior to the export of the said Minerals and Ores at Hospet, subject to the following conditions, namely :—

- (i) that M/s. Inspectorate Griffith India Private Limited, Hospet shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965; and
- (ii) that M/s. Inspectorate Griffith India Private Limited, Hospet in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 5/13/2008-EI & EP]

KIRAN PURI, Director

नई दिल्ली, 25 नवम्बर, 2008

का.आ. 3265.—केन्द्रीय सरकार निर्यात (क्वालिटी नियंत्रण और निरीक्षण) नियम 1964 के नियम 12 के उपनियम (2) के साथ पठित, निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करी हुए मैसर्स क्वालिटी सर्विसिज एंड सोल्यूशन्स (गोआ) प्रेड सं. एम 7, इंडस्ट्रियल इस्टेट, डाम रोड, होस्पेट-583203 को इस अधिसूचना के प्रकाशन द्वारा 16 अगस्त 2008 से तीन वर्ष की और अवधि के लिए, भारत सरकार के तत्कालीन वाणिज्य मंत्रालय की अधिसूचना सं. का. आ. 3975 तारीख 20 दिसम्बर, 1965 से सम्बद्ध अनुसूची में यथा विनिर्दिष्ट खनिज और अयस्क (समूह-1) अर्थात् लौह अयस्क का निम्नलिखित शर्तों के अधीन रहते हुए उक्त खनिजों

और अयस्क का होस्पेट में निर्यात से पूर्व निरीक्षण करने के लिए एक अधिकरण के रूप में मान्यता देती है, अर्थात् :—

- (i) कि मैसर्स क्वालिटी सर्विसिज एंड सोल्यूशन्स (गोआ) होस्पेट, खनिज और अयस्क समूह -1 का निर्यात (निरीक्षण) नियम 1965 के नियम 4 के अधीन निरीक्षण का प्रमाण पत्र देने के लिए इस निमित्त निर्यात निरीक्षण काउंसिल द्वारा नाम निर्देशित अधिकारियों को, उनके द्वारा अनुसरित निरीक्षण पद्धति की परीक्षा करने के लिए पर्याप्त सुविधाएं देगी ;
- (ii) मैसर्स क्वालिटी सर्विसिज एंड सोल्यूशन्स (गोआ), होस्पेट इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे निदेशों से आबद्ध होगी जो निदेशक (निरीक्षण और क्वालिटी नियंत्रण) निर्यात निरीक्षण काउंसिल द्वारा समय-समय पर लिखित रूप में दिए जाएं ।

[फा. सं. 5/19/2008-ईआई एंड ईपी]

किरण पुरी, निदेशक

New Delhi, the 25th November, 2008

S.O. 3265.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules 1964, the Central Government hereby recognises M/s. Quality Services and Solutions (Goa), Shed No. N-7 Industrial Estate, Dam Road, Hospet-583203, as an agency for a further period of three years with effect from 16 August 2008 through publication of this notification, for inspection of Minerals and Ores (Group-I), namely, Iron Ore and Manganese Ore, as specified in the Schedule annexed to the notifications of the Government of India in the erstwhile Ministry of Commerce vide Number S.O. 3975 dated the 20th day of December, 1965, prior to the export of the said Minerals and Ores at Hospet, subject to the following conditions, namely :—

- (i) that M/s. Quality Services and Solutions (Goa), Hospet shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores, Group-I (Inspection) Rules, 1965; and
- (ii) that M/s. Quality Services and Solutions (Goa), Hospet in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control), Export Inspection Council may give in writing from time to time.

[F. No. 5/19/2008-EI & EP]

KIRAN PURI, Director

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

भारतीय मानक ब्यूरो

नई दिल्ली, 28 नवम्बर, 2008

का.आ. 3266.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस भारतीय मानक का विवरण नीचे अनुसूची में दिया गया है; वह स्थापित हो गया है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1885 (भाग 27): 2008/आईसी 60050(51) : 1995 विद्युत तकनीकी शब्दावली भाग 27 पॉवर इलेक्ट्रॉनिकी (तीसरा पुनरीक्षण)	—	अगस्त 2008

इस भारतीय मानक की एक प्रति भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : ईटी 01/टी-12]

प्रकाश बचानी, निदेशक एवं प्रमुख (विद्युत तकनीकी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

BUREAU OF INDIAN STANDARDS

New Delhi, the 28th November, 2008

S.O. 3266.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies the Indian Standards to the Indian standards, particulars of which is given in the Schedule hereto annexed has been issued :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards	No. & Year of the Indian Standards, if any, superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 1885 (Part 27): 2008/IEC 60050(551): 1998 Electrotechnical Vocabulary Part 27 Power Electronics Protection (Third Revision)	—	August 2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: ET 01/T-12]

PRAKASH BACHANI, Director & Head (Electrotechnical)

नई दिल्ली, 1 दिसम्बर, 2008

का.आ. 3267.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1988 के नियम 4 के उपनियम (5) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन लाइसेंसों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्वीकृत कर दिए गए हैं :—

अनुसूची

क्रम सं.	लाइसेंस सं.	चालू तिथि	लाइसेंसधारी का नाम व पता	भारतीय मानक का शीर्षक व संबंधित भारतीय मानक
(1)	(2)	(3)	(4)	(5)
	सितम्बर 2008			
1.	8966009	16-9-2008	मैसर्स धार केबल्स (प्रा.) लि., एफ-664, रोड नं. 9एफ2 विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-302013 (राजस्थान)	694 : 1990 पीवीसी इन्सुलेटेड केबल्स
2.	8962506	28-8-2008	मैसर्स पैरीलेयर रोका (प्रा.) लि., प्लॉट नं. 223-226 मत्स्य औद्योगिक क्षेत्र, देसुला, अलवर-301030 (राजस्थान)	774 : 2204 फ्लशिंग सिस्टर्न फॉर वॉटर क्लोजेट एण्ड यूरिनल्स (अंदर दैन प्लास्टिक सिस्टर्न
3.	8965310	10-9-2008	मैसर्स शुभम ज्वैलर्स, सर्राफा बाजार, ओल्ड दुजोद गेट, सीकर-332 001 (राजस्थान)	1417 : 1999 स्वर्णाभूषणों की हॉलमार्किंग
4.	8966615	17-9-2008	मैसर्स अनूप ज्वैलर्स, बजाजा बाजार अलवर-301001 (राजस्थान)	1417 : 1999 स्वर्णाभूषणों की हॉलमार्किंग
5.	8966716	17-9-2008	मैसर्स श्री अनूप जैम्स एण्ड ज्वैलर्स, 85, जय काम्प्लैक्स, रोड नं. 2 अलवर-301001 (राजस्थान)	1417 : 1999 स्वर्णाभूषणों की हॉलमार्किंग
6.	8967314	25-9-2008	मैसर्स श्री श्याम ज्वैलर्स, एलजी-36, बेसमेन्ट, हीरालाल मॉल, बीकानेर-335001 (राजस्थान)	1417 : 1999 स्वर्णाभूषणों की हॉलमार्किंग
7.	8965916	10-9-2008	मैसर्स ओसवाल केबल्स (प्रा.) लि., 139, औद्योगिक क्षेत्र, झोटवाडा, जयपुर-302012 (राजस्थान)	1554 (भाग 1):1988 पीवीसी इन्सुलेटेड (एचडी) केबल्स
8.	8962102	29-8-2008	मैसर्स मुखर्जी एण्ड मुखर्जी, ई-151, रोड नं. 11, विश्वकर्मा औद्योगिक क्षेत्र, जयपुर-302013 (राजस्थान)	6003 : 1983 इन्डेन्टेड वायर फॉर प्रेस्ट्रेस्ड कॉक्रीट
9.	8961807	29-8-2008	मैसर्स बजरंग वायर प्रोडक्ट्स (इ.) प्राईवेट लिमिटेड यूनिट-II, प्लॉट नं. 15-28, आकेडा इंगर (औद्योगिक पार्क) जयपुर-302013 (राजस्थान)	6006 : 1983 अनकोटेड स्ट्रैस रिलीव्ड स्ट्रेण्ड फॉर प्रेस्ट्रेस्ड कॉक्रीट
10.	8965815	16-9-2008	मैसर्स केई आई इण्डस्ट्रीज लिमिटेड, एसपी-919, 920, फेज-III, रीको औद्योगिक क्षेत्र, भिवाडी-301019 जिला-अलवर (राजस्थान)	9968 (भाग 2):2002 इलास्टोमर-इन्सुलेटेड केबल्स
11.	8967213	23-9-2008	मैसर्स एच.एम. पाइप्स प्रा. लि., जी-47-48, बगरू औद्योगिक क्षेत्र, फेज-II, जयपुर (राजस्थान)	14333:1996 हाई डेन्सिटी पोलिथिलीन पाइप फॉर सीवरेज

[सं. सीएमडी/13:11]

पी. के. गम्भीर, उप महानिदेशक (मुहर)

New Delhi, the 1st December, 2008

S.O. 3267.— In pursuance of sub-regulation (5) of regulation 4 of the Bureau of Indian Standards (Certification Regulation), 1988, the Bureau of Indian Standards, hereby notifies the grant of licence particulars of which are given in the following schedule :

SCHEDULE

Sl. No.	Licence No. (CM/L-)	Operative Date	Name and Address of the Licence	Article/Process Covered by the licences and the relevant IS:Designation
(1)	(2)	(3)	(4)	(5)
September 2008				
1.	8966009	16-9-2008	M/s. Thar Cables (Pvt.) Ltd. F-664, Road No. 9F2 V.K. I. Area, Jaipur-302013 (Rajasthan)	694 : 1990 PVC Industrial Cables
2.	8962506	28-8-2008	M/s. Parryware Roca Private Ltd. Plot No. 223-226 Matsya Industrial Area, Desula Alwar-301 030 (Rajasthan)	774 : 2004 Flushing Cistern for Water Closets and Urinals (Other than Plastic Cistern)
3.	8965310	10-9-2008	M/s. Subham Jewellers Sarafa Bazar, Old Dujod Gate Sikar-332001 (Rajasthan)	1417:1999 Hallmarking of Gold Jewellery
4.	8966615	17-9-2008	M/s. Anoop Jewellers Bajaja Bazar, Alwar-301 001 (Rajasthan)	1417:1999 Hallmarking of Gold Jewellery
5.	8966716	17-9-2008	M/s. Shri Anoop Gems & Jewellers 85, Jai Complex, Road No. 2, Alwar-301 001 (Rajasthan)	1417:1999 Hallmarking of Gold Jewellery
6.	8967314	25-9-2008	M/s. Shri Shyam Sunder Jewellers LG36, Basement, Heeralal Mall Bikaner-301 001 (Rajasthan)	1417:1999 Hallmarking of Gold Jewellery
7.	8965916	10-9-2008	M/s. Oswal Cables Private Limited 139, Industrial Area, Jhotwara, Jaipur-302012 (Rajasthan)	1554 (Part 1) : 1988 PVC Insulated (HD) Cables
8.	8962102	29-8-2008	M/s. Mukherji & Mukherji E-151, Road No. 11, V.K.I. Area, Jaipur 302013 (Rajasthan)	6003 : 1983 Indented Wire for Prestressed Concrete
9.	8961807	29-8-2008	M/s. Bajrang Wire Products (I) Pvt. Ltd.,-Unit-II Plot No.15-28, Akera Dungar (Industrial Park) Jaipur 302013 (Rajasthan)	6006 : 1983 Uncoated Stress Relieved Stand for Prestressed Concrete
10.	8965815	16-9-2008	M/s. KEI Industries Limited SP-919, 920, Phase-III RIICO Industrial Area Bhiwadi-301019 Distt. Alwar (Rajasthan)	9968 (Part 2) : 2002 Elastomer-Insulated Cables
11.	8967213	22-9-2008	M/s. H.M. Pipes Pvt.Ltd. G-47-48, Bagru Industrial Area, Phase-II, Jaipur (Rajasthan)	14333 : 1996 High Density Polyethylene Pipe for Sewerage

[No. CMD/13:11]

P. K. GAMBHIR, Dy. Director General (Marks)

नई दिल्ली, 1 दिसम्बर, 2008

का.आ. 3268.—भारतीय मानक ब्यूरो विनियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं, वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15836 (भाग 3) 2008 मशीनरी की सुरक्षा के लिए इर्गोनॉमिक डिजाइन भाग 3 एंथ्रोपोमीट्री आंकड़े	—	अगस्त 2008

इन भारतीय मानकों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : पीजीडी/जी-3.5]

सु. भट्टाचार्य, वैज्ञानिक 'ई' एवं प्रमुख (पीजीडी)

New Delhi, the 1st December, 2008

S.O. 3268.—In pursuance of clause (b) sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that the Indian Standards, particulars of which are given in the Schedule here to annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of the Indian Standards, if any, Superseded by the New Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 15836 (Part 3) : 2008 Ergonomic design for the safety of machinery Part 3 Anthropometric data	—	August 2008

Copies of these Standards is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: PGD/G-3.5]

S. BHATTACHARYA, Sc. 'E' & Head (PGD)

नई दिल्ली, 4 दिसम्बर, 2008

का.आ. 3269.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और वर्ष	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13645 : 1993 चिन्नाई बाँधों के प्रतिप्रवाह मोहरे का गनाइटीकरण -मार्गदर्शी सिद्धांत	संशोधन सं. 1 अक्टूबर 2008	31-10-2008

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू आर डी 9/टी-33]

ए. एम. डेविड, वैज्ञानिक 'ई', निदेशक (जल संसाधन विभाग)

New Delhi, the 4th December, 2008

S.O. 3269.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No., Title and Year of the Indian Standards	No. & Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 13645 : 1993 Guniting the Upstream Face of Masonry Dams-Guidelines	Amendment No. 1 October 2008	31-10-2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: WRD9/T-33]

A. M. DAVID, Scientist 'E', Director (Water Resources Department)

नई दिल्ली, 4 दिसम्बर, 2008

का.आ. 3270.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और वर्ष	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 11155 : 1994 स्पिलवे एवं ऐसे ही अधिप्रवाह संरचनाओं का निर्माण-रीति संहिता	संशोधन सं. 1 अक्टूबर 2008	31-10-2008

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू आर डी 9/टी-16]

ए. एम. डेविड, वैज्ञानिक 'ई', निदेशक (जल संसाधन विभाग)

New Delhi, the 4th December, 2008

S.O. 3270.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards, hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl.No.	No., Title and Year of the Indian Standards	No. & Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 11155: 1994		
	Amendment No. 1	31-10-2008	
	Construction of Spillways and Similar Overflow Structures-Code of Practice	October 2008	

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: WRD 9/T-16]

A. M. DAVID, Scientist 'E', Director (Water Resources Department)

नई दिल्ली, 4 दिसम्बर, 2008

का.आ. 3271.— भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और वर्ष	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 5186 : 1994 ढलवाँ, नाली और पार्श्व प्रणाली उत्प्लाव के डिजाइन का मसौदा-मापदंड	संशोधन सं. 1 अक्टूबर 2008	31-10-2008

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयंबटूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, कागपुर, पटना, पुणे तथा तिरुवनन्तापुरम में विक्री हेतु उपलब्ध हैं।

[संदर्भ : डब्ल्यू आर डी 9/टी-3]

ए. एम. डेविड, वैज्ञानिक ई, निदेशक (जल संसाधन विभाग)

New Delhi, the 4th December, 2008

S.O. 3271.— In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987,

SCHEDULE

Sl. No.	No., Title and Year of the Indian Standards	No. and Year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 5186: 1994 Design of Chute and Side Channel Spillways— Criteria (First Revision)	Amendment No. 1 October 2008	31-10-2008

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices: Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: WRD 9/T-3]
A. M. DAVID, Scientist E, Director (Water Resources Department)

कोयला मंत्रालय

शुद्धिपत्र

नई दिल्ली, 6 नवम्बर, 2008

का. आ. 3272.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, कोयला मंत्रालय की अधिसूचना संख्यांक का. आ. 2191 जो भारत के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 9 अगस्त, 2008 में प्रकाशित की गई थी का संशोधन करती है, अर्थात् :-

2 उपरोक्त अधिसूचना में :-

तालिका "क" के नीचे ग्राम गुमगराकला में अर्जित किये जाने वाले प्लॉट संख्या के उपशीर्षक में :-

प्रविष्टि "769 (भाग) से 773" के स्थान पर "769 से 773" प्रविष्टि रखी जायेगी।

[फा. सं. 43015/3/2006-पीआरआईडब्ल्यू-1]

एम. शहबुद्दीन, अवर सचिव

MINISTRY OF COAL

CORRIGENDUM

New Delhi, the 6th November, 2008

S.O. 3272.—In exercise of the power conferred by sub-section (1) of Section 7 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957), the Central Government hereby amends the English version of the notification of the Government of India, Ministry of Coal vide number S. O. 2191 published in the Gazette of India, Part-II, Section-3, sub-section (ii) dated 9th August, 2008 namely :-

2 In the said notification :-

In serial number 1 below the schedule "B", plot numbers to be acquired in village Gumgarakala (Part) :

(i) Figures "46 to 50(P)" shall be substituted by "46 to 49, 50(P)".

(ii) Figures "648/830" shall be substituted by "648/833".

[File No. 43015/3/2006-PRIW-1]

M. SHAHABUDEEN, Under Secy.

नई दिल्ली, 28 नवम्बर, 2008

का. आ. 3273.—केन्द्रीय सरकार, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 7 की उपधारा (1) के अधीन जारी भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ. 1686(अ) तारीख 30 सितम्बर, 2007 जो भारत सरकार के राजपत्र भाग 2, खंड 3, उपखंड (ii) तारीख 1 अक्टूबर, 2007 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र की भूमि पर सभी अधिकारों के अर्जन के अपने आशय की सूचना दी थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 8 के अनुसरण में केंद्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केंद्रीय सरकार का, पूर्वोक्त रिपोर्ट पर विचार करने के पश्चात् और झारखंड सरकार से परामर्श करने के पश्चात् यह समाधान हो गया है कि इससे संलग्न अनुसूची में वर्णित केवल 1668.15 हैक्टर (लगभग) या 4122.59 एकड़ (लगभग) माप वाली भूमि में के सभी अधिकार अर्जित किए जाने चाहिए ;

अतः अब, केंद्रीय सरकार कोयला धारक (अर्जन और विकास) अधिनियम, 1957 की धारा 9 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि द्वितीय चरण में उक्त अनुसूची में यथावर्णित केवल 1668.15 हेक्टेयर (लगभग) या 4122.59 एकड़ (लगभग) माप वाली भूमि में, के सभी अधिकार अर्जित किए जाते हैं।

इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक सं. एनटीपीसी/सीएम/07/एम आई एन/003 तारीख 25-06-08 का निरीक्षण उपायुक्त, हजारीबाग (झारखण्ड राज्य) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाऊस स्ट्रीट, कोलकाता- 700001 के कार्यालय में या उप महाप्रबंधक (मानव संसाधन), एनटीपीसी लिमिटेड, पकरी बरवाडीह कोल माईनिंग प्रोजेक्ट, लक्ष्मी पेट्रोल पंप के सामने, नवाबगंज, हजारीबाग 825301 (झारखंड) के कार्यालय में या उप महाप्रबंधक (सीएम-सिविल) कोल माईनिंग और कोल वाशरीज डिवीजन, एनटीपीसी लिमिटेड, पीडीआईएल भवन, वेस्ट विंग, प्रथम तल, प्लॉट सं. ए-14, सेक्टर-1, नोएडा-201301 के कार्यालय में किया जा सकता है।

अनुसूची

पकरी बरवाडीह कोल माईनिंग प्रोजेक्ट

उत्तरी करनपुरा कोल क्षेत्र

हजारीबाग, झारखंड

रेखांक संख्या : एनटीपीसी/सीएम/07/एमआईएन/003 तारीख 25 जून, 2008

द्वितीय चरण

(क) राजस्व भूमि :

सभी अधिकार

क्रम सं.	गांव का नाम	थाना नं.	थाना	जिला	क्षेत्रफल (लगभग)		टिप्पणी
					हेक्टेयर	एकड़	
1.	उरूब	41	बडकागांव	हजारीबाग	135.98	336.60	भाग
2.	नगड़ी	49	बडकागांव	हजारीबाग	66.14	163.43	भाग
3.	दाहीकलां	51	बडकागांव	हजारीबाग	107.19	264.86	भाग
4.	चेपाकलां	52	बडकागांव	हजारीबाग	139.28	344.16	भाग
5.	जूगरा	54	बडकागांव	हजारीबाग	76.85	189.89	भाग
6.	आराहरा	55	बडकागांव	हजारीबाग	114.43	282.75	भाग
7.	चेपाखुर्द	53	बडकागांव	हजारीबाग	43.16	106.66	भाग
8.	सिन्दुआरी	60	बडकागांव	हजारीबाग	98.24	242.75	पूर्ण
9.	सोनबरसा	59	बडकागांव	हजारीबाग	153.86	380.19	पूर्ण
10.	लंगातू	58	बडकागांव	हजारीबाग	128.67	317.95	भाग
11.	कैरी	62	बडकागांव	हजारीबाग	63.17	156.09	भाग
12.	चुरचू	61	बडकागांव	हजारीबाग	128.50	317.52	पूर्ण
13.	देबरियाखुर्द	39	करेडारी	हजारीबाग	28.98	71.61	भाग
कुल योग (लगभग)					1284.45	3174.46	

(ख) वन भूमि (अधिसूचित/गैर अधिसूचित/जंगल-झाड़ी) :

क्रम सं.	गांव का नाम	थाना नं.	थाना	जिला	क्षेत्रफल (लगभग)		टिप्पणी
					हेक्टेयर	एकड़.	
1.	उरूब	41	बडकागांव	हजारीबाग	185.02	457.17	भाग
2.	नगड़ी	49	बडकागांव	हजारीबाग	76.13	188.12	भाग
3.	आराहरा	55	बडकागांव	हजारीबाग	8.26	20.41	भाग
4.	सिन्दुआरी	60	बडकागांव	हजारीबाग	10.59	26.17	पूर्ण
5.	सोनबरसा	59	बडकागांव	हजारीबाग	43.14	106.60	पूर्ण
6.	लंगातू	58	बडकागांव	हजारीबाग	34.08	84.21	भाग
7.	कैरी	62	बडकागांव	हजारीबाग	8.56	21.17	भाग
8.	चुरचू	61	बडकागांव	हजारीबाग	16.50	40.77	पूर्ण
9.	चेपाकलां	52	बडकागांव	हजारीबाग	0.57	1.41	भाग
10.	जूगरा	54	बडकागांव	हजारीबाग	0.85	2.10	भाग
कुल योग (लगभग)					383.70	948.13	

सारांश :

(क) कुल राजस्व भूमि-1284.45 हैक्टर (लगभग)=3174.46 एकड़ (लगभग)

(ख) कुल वन भूमि- 383.70 हैक्टर (लगभग)=48.13 एकड़ (लगभग)

सकल योग-(क+ख)- 1668.15 हैक्टर (लगभग)=4122.59 एकड़ (लगभग)

अर्जित किये जाने वाले राजस्व प्लॉटों की सूची.

1. ग्राम उरूब:- 1 (भाग), 11, 14 से 84, 86 से 93, 95 से 104, 106 से 229, 231 से 237, 239 से 341, 343 से 346, 348 से 516, 517 (भाग), 518 से 618, 619 (भाग), 620 से 627.
2. ग्राम नगड़ी:- 379 (भाग), 737, 798, 801 से 1124, 1126, 1128 से 1142, 1144 और 1145.
3. ग्राम दाडीकलां:- 579 से 586, 592, 594, 611 से 642, 644 से 1027, 1029 से 1087, 1107 से 1109, 1143 से 1150, 1215, 1217, 1218, 1220 से 1223, 1227 से 1279, 1306 से 1310, 1317, से 1327, 1332, 1335, 1336, 1574 से 1592, 1641, से 1654, 1672, 1675 से 1706, 1709 से 1711, 1928 से 1941, 1971, 1972, 1974, 1975.
4. ग्राम चेपकलां:- 117 से 147, 284 से 290, 424, 425, 430 (भाग), 431 से 433, 434 (भाग), 435 (भाग), 436 (भाग), 444 (भाग), 445 से 513, 514 (भाग), 515, 516, 622 से 2155, 2127, 2130 से 2132, 2134, 2135, 2181.
5. ग्राम जूगरा:- 221 से 246, 247 (भाग), 314 (भाग), 315 से 380, 381 (भाग), 382, 386 (भाग), 389 (भाग), 450 (भाग), 451, 452 (भाग), 455 से 468, 469 (भाग), 470 (भाग), 485 (भाग), 486, 487 (भाग), 488 से 1002, 1003 (भाग), 1004 से 1007, 1008 (भाग), 1009, 1010, 1011 (भाग), 1202 (भाग), 1203, 1204, 1205 (भाग), 1206 (भाग), 1209 (भाग), 1210 से 1212, 1215, 1216, 1218 से 1227, 1257.
6. ग्राम आराहरा:- 174 (भाग), 175 से 180, 181 (भाग), 202 (भाग), 203 से 208, 209 (भाग), 210 से 222, 223 (भाग) से 225 (भाग), 229 (भाग), 253 (भाग), 254, 265 से 267, 269 से 1375, 1603 से 1605, 1606 (भाग), 1607 से 1617, 1623 से 1625, 1640, 1988 से 1992, 1994, 1999, 2002 से 2004.
7. ग्राम चेपाखुर्द:- 1 से 184, 187 से 210, 281 से 351, 357, 358, 669, 672 से 680, 1113 से 1116.
8. ग्राम सिन्दुआरी:- 1, 3 से 47, 49 से 60, 62 से 64, 65, (भाग), 66 से 76, 78 से 81, 82 (भाग), 83 से 255, 256 (भाग), 257 से 423, 425 से 860, 862, 863.
9. ग्राम सोनबरसा:- 1 से 222, 224 से 238, 240 से 250, 251 (भाग), 252 से 254, 255 (भाग), 256 से 260, 261 (भाग), 262 से 459, 460 (भाग), 461 से 738, 740 से 1012, 1014, 1016, 1018 से 1095, 1096 (भाग), 1097 से 1105, 1106 (भाग), 1107 से 1114.
10. ग्राम लंगातु:- 1 से 4, 8 से 63, 64 (भाग), 65, 66, 67 (भाग), 68 से 80, 82 से 176, 180 से 195, 221, 222, 226 से 238, 241 से 282, 284, 324 (भाग), 495 से 520, 524, 525, 539 (भाग), 540 से 654, 646 (भाग), 647 से 685, 690, 692 से 851, 853 से 866, 871, 934 से 954, 955 (भाग), 956 से 1017, 2176 से 2181, 2655 (भाग), 3814, 3815, 3817, 3832 से 3836, 3839.
11. ग्राम केरी:- 1 से 30, 37, 38, 40 से 94, 102 से 106, 126 से 141, 435 से 443, 445 से 458, 459 (भाग), 460 से 532, 533 (भाग).
12. ग्राम चुरचू:- 1 से 4, 6 से 12, 14 से 627.
13. ग्राम देवरियाखुर्द:- 52, 53, 55 से 122, 124 से 133, 140 से 145, 159 से 167 से 172, 174.

अर्जित किये जाने वाले वन प्लॉटों की सूची :

1. ग्राम ऊरूब:- 9 (भाग), 10, 12, 13, 85, 94, 105, 230, 238, 342, 347, 517 (भाग), 619 (भाग), 632.
2. ग्राम नगड़ी:- 735, 736, 1125 (भाग), 1127, 1143.
3. ग्राम आराहरा:- 268, 1993.
4. ग्राम सिन्दुआरी:- 2, 48, 61, 65 (भाग), 77, 82, (भाग), 256 (भाग), 424, 861.
5. ग्राम सोनबरसा:- 223, 239, 251 (भाग), 255 (भाग), 261 (भाग), 460 (भाग), 739, 1013, 1015, 1017, 1096 (भाग), 1106 (भाग).
6. ग्राम लंगातु:- 64 (भाग), 67 (भाग), 81, 646 (भाग), 955 (भाग), 1018.

7. **ग्राम केरी:**—459 (भाग).
8. **ग्राम चुरचू:**—5, 13.
9. **ग्राम चेपाकलां:**—411.
10. **ग्राम जूगरा:**—1057.

द्वितीय चरण के लिए धारा 9 (1) अधीन अधिसूचित किये जाने वाले क्षेत्र की सीमा वर्णन :

- (i) **रेखा क-ख :**—रेखा ग्राम ऊरुब के उत्तरी-पश्चिमी किनारे पर स्थित बिन्दु “क” से प्रारम्भ होकर दक्षिणी-पूर्वी किनारे की ओर जाती है और उक्त ग्राम के प्लॉट सं. 9, 1, 632, 732 और 632 से गुजरती हुई बिन्दु “ख” पर समाप्त होती है।
- (ii) **रेखा ख-ग :**—रेखा ऊरुब ग्राम के उत्तरी किनारे पर स्थित बिन्दु “ख” से प्रारम्भ होती है और दक्षिणी किनारे की ओर जाती है तथा ऊरुब ग्राम के प्लॉट सं. 632, 631 और 231 से गुजरती हुई बिन्दु “ग” पर समाप्त होती है।
- (iii) **रेखा ग-घ :**—रेखा नगड़ी ग्राम के दक्षिणी-पश्चिमी किनारे पर स्थित बिन्दु “ग” से प्रारम्भ होती है और उत्तरी-पूर्वी किनारे की ओर जाती है तथा नगड़ी ग्राम के प्लॉट सं. 1144 एवं 379 से गुजरती हुई बिन्दु “घ” पर समाप्त होती है।
- (iv) **रेखा घ-ङ :**—रेखा नगड़ी ग्राम के पश्चिमी किनारे पर स्थित “घ” से प्रारम्भ होती है और पूर्वी किनारे की ओर जाती है तथा नगड़ी ग्राम के प्लॉट सं. 379, 735, 736 और 737 से गुजरती हुई बिन्दु “ङ” पर समाप्त होती है।
- (iv) **रेखा ङ-च :**—रेखा नगड़ी ग्राम के उत्तरी-पूर्वी किनारे पर बिन्दु “ङ” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा नगड़ी ग्राम के प्लॉट सं. 737, 921, 922, 921, 927, 919, 798, 801, 802, 805 और 813 से गुजरती हुई बिन्दु “च” पर समाप्त होती है।
- (vi) **रेखा च-छ :**—रेखा दाड़ीकलां ग्राम के उत्तरी-पश्चिमी किनारे पर स्थित बिन्दु “च” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा दाड़ीकलां ग्राम के प्लॉट सं. 683, 579, 582, 586, 592, 594 और 611 से गुजरती हुई बिन्दु “छ” पर समाप्त होती है।
- (vii) **रेखा छ-ज :**—रेखा चेपाकलां ग्राम के पश्चिमी किनारे पर स्थित बिन्दु “छ” से प्रारम्भ होती है और पूर्वी किनारे की ओर जाती है तथा चेपाकलां ग्राम के प्लॉट सं. 119, 118, 117, 123, 805, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, और 146 से गुजरती हुई बिन्दु “ज” पर समाप्त होती है।
- (viii) **रेखा ज-झ :**—रेखा चेपाकलां ग्राम के दक्षिणी-पूर्वी किनारे पर स्थित बिन्दु “ज” से प्रारम्भ होती है और उत्तरी-पूर्वी किनारे की ओर जाती है तथा चेपाकलां ग्राम के प्लॉट सं. 146, 145, 741, 716, 186, 2125, 285, 290, 284 और 290 से गुजरती हुई बिन्दु “झ” पर समाप्त होती है।
- (ix) **रेखा झ-ञ :**—रेखा ग्राम चेपाकलां के पश्चिमी किनारे पर स्थित बिन्दु “झ” से प्रारम्भ होती है और पूर्वी किनारे की ओर जाती है तथा ग्राम चेपाकलां के प्लॉट सं. 290, 712, 424, 425, 455, 454, 431, 430, 436, 434, 435, 445, 444, 516, 515, और 514 से गुजरती हुई बिन्दु “ञ” पर समाप्त होती है।
- (x) **रेखा ञ-ट :**—रेखा ग्राम चेपाकलां के उत्तरी-पूर्वी किनारे पर स्थित बिन्दु “ञ” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा ग्राम चेपाकलां के प्लॉट सं. 514, 622 और 624 से गुजरती हुई बिन्दु “ट” पर समाप्त होती है।
- (xi) **रेखा ट-ठ :**—रेखा ग्राम जूगरा के उत्तरी किनारे पर स्थित बिन्दु “ट” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा ग्राम जूगरा के प्लॉट सं. 221, 230, 231, 243, 247, 314, 322, 379, 380, 381, 382, 386, 389, 489, 488, 487, 485, 486, 568, 469, 470, 454, 463, 455, 452, 450, 1011, 1008, 1003, 1202, 1205, 1206, और 1209 से गुजरती हुई बिन्दु “ठ” पर समाप्त होती है।
- (xii) **रेखा ठ-ड :**—रेखा ग्राम आराहरा के उत्तरी किनारे पर स्थित बिन्दु “ठ” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 174, 181, 179, 180, 202, 209, 224, 225, 223, 229, और 253 से गुजरती हुई बिन्दु “ड” पर समाप्त होती है।
- (xiii) **रेखा ड-ढ :**—रेखा ग्राम आराहरा के पूर्वी किनारे पर स्थित बिन्दु “ड” से प्रारम्भ होती है और दक्षिणी-पश्चिमी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 253, 254, 222, और 362, से गुजरती हुई बिन्दु “ढ” पर समाप्त होती है।
- (xiv) **रेखा ढ-ण :**—रेखा ग्राम आराहरा के उत्तरी किनारे पर स्थित बिन्दु “ढ” से प्रारम्भ होती है और दक्षिणी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 362, 361, 356, और 271 से गुजरती हुई बिन्दु “ण” पर समाप्त होती है।

- (xv) **रेखा ण-त** :—रेखा ग्राम आराहरा के पूर्वी किनारे पर स्थित बिन्दु “ण” से प्रारम्भ होती है और दक्षिणी-पश्चिमी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 268 और 1988 से गुजरती हुई बिन्दु “त” पर समाप्त होती है।
- (xiv) **रेखा त-थ** :—रेखा ग्राम आराहरा के उत्तरी किनारे पर स्थित बिन्दु “त” से प्रारम्भ होती है और दक्षिणी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 1988 से गुजरती हुई बिन्दु “थ” पर समाप्त होती है।
- (xvii) **रेखा थ-द** :—रेखा ग्राम आराहरा के पूर्वी किनारे पर स्थित बिन्दु “थ” से प्रारम्भ होती है और पश्चिमी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 1993, 1995 और 1996 से गुजरती हुई बिन्दु “द” पर समाप्त होती है।
- (xviii) **रेखा द-ध** :—रेखा ग्राम आराहरा के पूर्वी किनारे पर स्थित बिन्दु “द” से प्रारम्भ होती है और पश्चिमी किनारे की ओर जाती है तथा ग्राम आराहरा के प्लॉट सं. 1616, 1617, 1623, 1624, 1625, 1640, 1603, 1606 भाग, 1373, 1375, 1374 और 1351 से गुजरती हुई बिन्दु “ध” पर समाप्त होती है।
- (xix) **रेखा ध-न** :—रेखा ग्राम चेपाखुर्द के पूर्वी किनारे पर स्थित बिन्दु “ध” से प्रारम्भ होती है और पश्चिमी किनारे की ओर जाती है तथा चेपाखुर्द के प्लॉट सं. 678, 680, 679, 672, 673, 331, 332, 333, 669, 351, 357, 358 और 290 से गुजरती हुई बिन्दु “न” पर समाप्त होती है।
- (xx) **रेखा न-प** :—रेखा ग्राम चेपाखुर्द के दक्षिणी किनारे पर स्थित बिन्दु “न” से प्रारम्भ होती है और उत्तरी-पश्चिमी किनारे की ओर जाती है तथा ग्राम चेपाखुर्द के प्लॉट सं. 289, 288, 287, 284, 283, 282, 281, 1115, 172, 178, 175, 176, 178, 180, 181, 184, 187, 188, 199, 210, 209, 208, 206, 69, और 68 से गुजरती हुई बिन्दु “प” पर समाप्त होती है।
- (xxi) **रेखा प-फ** :—रेखा ग्राम दाड़ीकला के पूर्वी किनारे पर स्थित बिन्दु “प” से प्रारम्भ होती है और पश्चिमी किनारे की ओर जाती है तथा ग्राम दाड़ीकला के प्लॉट सं. 1087, 1063, 1108, 1109, 1038, और 1030 से गुजरती हुई बिन्दु “फ” पर समाप्त होती है।
- (xxii) **रेखा फ-ब** :—रेखा ग्राम दाड़ीकला के उत्तरी किनारे पर स्थित बिन्दु “फ” से प्रारम्भ होती है और दक्षिणी-पश्चिमी किनारे की ओर जाती है तथा ग्राम दाड़ीकला के प्लॉट सं. 1030, 1029, 1027, 1025, 1143, 1144, 1145, 1147, 1148, 1150, 1149, 1227, 1228, 1229, 1230, 1223, 1220, 1218, 1217 और 1215 से गुजरती हुई बिन्दु “ब” पर समाप्त होती है।
- (xxiii) **रेखा ब-भ** :—रेखा ग्राम दाड़ीकला के उत्तरी किनारे पर स्थित बिन्दु “ब” से प्रारम्भ होती है और दक्षिणी किनारे की ओर जाती है तथा ग्राम दाड़ीकला के प्लॉट सं. 1215, 1279, 1263, 1307, 1306, 1310, 1317, 1327, 1326, 1332, 1335, 1336, 1574 और 1263 से गुजरती हुई बिन्दु “भ” पर समाप्त होती है।
- (xxiv) **रेखा भ-म** :—रेखा ग्राम दाड़ीकला के पश्चिमी किनारे पर स्थित बिन्दु “म” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा ग्राम दाड़ीकला के प्लॉट सं. 1263, 1575, 1592, 1591, 1589, 1588, 1587, 1262, 1643, 1641, 1653, 1654, 1677, 1675, 1680, 1672, 1681, 1706, 1709, 1710, 1711, 1699, 1698, 1262, 1933, 1940, 1932, 1931, 1930, 1929 और 1928 से गुजरती हुई बिन्दु “म” पर समाप्त होती है।
- (xxv) **रेखा म-य** :—रेखा ग्राम लंगालु के उत्तरी किनारे पर स्थित बिन्दु “म” से प्रारम्भ होती है और दक्षिणी-पूर्वी किनारे की ओर जाती है तथा ग्राम लंगालु के प्लॉट सं. 1, 3, 4, 10, 98, 10, 11, 12, 176, 175, 172, 180, 182, 183, 184, 185, 187, 188, 189, 191, 192, 194, 195, 230, 221, 222, 226, 238, 237, 235, 241, 324, 284, 269, 281, 280, 505, 504, 503, 500, 495, 496, 497, 499, 525, 524, 520, 518, 646, 539 और 2655 से गुजरती हुई बिन्दु “य” पर समाप्त होती है।
- (xxvi) **रेखा य-क** :—रेखा ग्राम लंगालु के पूर्वी किनारे पर स्थित बिन्दु “य” से प्रारम्भ होती है और पश्चिमी किनारे की ओर जाती है तथा ग्राम लंगालु के प्लॉट सं. 2655, 2181, 2180, 2176, 646, 685, 692, 690, 742, 851, 853, 854, 858, 859, 860, 861, 862 और 863 से गुजरती हुई बिन्दु “क” पर समाप्त होती है।
- (xxvii) **रेखा क1-ख1** :—रेखा ग्राम लंगालु के दक्षिणी किनारे पर स्थित बिन्दु “क1” से प्रारम्भ होती है और उत्तरी-पश्चिमी किनारे की ओर जाती है तथा ग्राम लंगालु के प्लॉट सं. 863, 864, 871, 866, 934, 939, 940, 954 और 1018 से गुजरती हुई बिन्दु “ख1” पर समाप्त होती है।
- (xxviii) **रेखा ख1-ग1** :—रेखा ग्राम केरी के पूर्वी किनारे पर स्थित बिन्दु “ख1” से प्रारम्भ होती है और उत्तरी-पश्चिमी किनारे की ओर जाती है तथा ग्राम केरी के प्लॉट सं. 526, 528, 529, 533, 436, 435, 442, 443, 459, 139, 141 और 132 से गुजरती हुई बिन्दु “ग1” पर समाप्त होती है।

- (xxix) रेखा ग1-घ1 :—रेखा ग्राम केरी के दक्षिणी किनारे पर स्थित बिन्दु “ग” से प्रारम्भ होती है और उत्तरी-पश्चिमी किनारे की ओर जाती है तथा ग्राम केरी के प्लॉट सं. 131, 130, 129, 128, 127, 126, 106, 71, 104, 105, 103, 102, 93, 94, 44, 42, 41, 40, 38, 37, 30, 28, 27 और 23 से गुजरती हुई बिन्दु “घ1” पर समाप्त होती है।
- (xxx) रेखा घ1-ड.1 :—रेखा ग्राम देवरियाखुर्द के पूर्वी किनारे पर स्थित बिन्दु “घ1” से प्रारम्भ होती है और उत्तरी-पश्चिमी किनारे की ओर जाती है तथा ग्राम देवरियाखुर्द के प्लॉट सं. 172, 171, 170, 169, 167, 166, 165, 164, 163, 159, 160, 145, 141, 140, 133, 132, 131, 128, 127, 126, 125, 124, 122, 119, 65, 52, 53, 65, 58, 57, 56 और 55 से गुजरती हुई बिन्दु “ड.1” पर समाप्त होती है।
- (xxxi) रेखा ड.1-च1 :—रेखा ग्राम देवरियाखुर्द के दक्षिणी किनारे पर स्थित बिन्दु “ड.1” से प्रारम्भ होती है और उत्तरी किनारे की ओर जाती है तथा ग्राम देवरियाखुर्द के प्लॉट सं. 55, 62, 63, 64 और 65 से गुजरती हुई “च1” पर समाप्त होती है।
- (xxxii) रेखा च1-छ1 :—रेखा ग्राम उरूब के दक्षिणी किनारे पर स्थित बिन्दु “च1” से प्रारम्भ होती है और उत्तरी किनारे की ओर जाती है तथा ग्राम उरूब के प्लॉट सं. 540, 539, 538 और 346 से गुजरती हुई बिन्दु “छ1” पर समाप्त होती है।
- (xxxiii) रेखा छ1-ज1 :—रेखा ग्राम उरूब के दक्षिणी किनारे पर स्थित बिन्दु “छ1” से प्रारम्भ होती है और उत्तरी किनारे की ओर जाती है तथा ग्राम उरूब के प्लॉट सं. 346 और 98 से गुजरती हुई बिन्दु “ज1” पर समाप्त होती है।
- (xxxiv) रेखा ज1-झ1 :—रेखा ग्राम उरूब के पश्चिमी किनारे पर स्थित बिन्दु “ज1” से प्रारम्भ होती है और उत्तरी-पूर्वी किनारे की ओर जाती है तथा ग्राम उरूब के प्लॉट सं. 98, 97, 95, 105, 94, 105, 85 और 32 से गुजरती हुई बिन्दु “झ1” पर समाप्त होती है।
- (xxxv) रेखा झ1-ञ1 :—रेखा ग्राम उरूब के दक्षिणी किनारे पर स्थित बिन्दु “ज1” से प्रारम्भ होती है और उत्तरी किनारे की ओर जाती है तथा उरूब ग्राम के प्लॉट सं. 32, 13, 12, 11 और 10 से गुजरती हुई बिन्दु “ञ1” पर समाप्त होती है।
- (xxxvi) रेखा ञ1-क :—रेखा ग्राम उरूब के दक्षिणी किनारे पर स्थित बिन्दु “ञ1” से प्रारम्भ होती है। और उत्तरी किनारे की ओर जाती है तथा उरूब ग्राम के प्लॉट सं. 9 और 1 से गुजरती हुई बिन्दु “क” पर समाप्त होती है।

[सं. 43015/7/2005-पी आर आई डब्ल्यू-1(जिल्द-III)]

एम. शहाबुद्दीन, अवर सचिव

New Delhi, the 28th November, 2008

S.O. 3273.—Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 1686 (E) dated the 30th September, 2007 issued under sub-section (1) of Section 7 of the Coal Bearing Areas, (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act) and published in the Gazette of India, Extra Ordinary, Part-II, Section-3, sub-section (ii), dated the 1st October, 2007, the Central Government gave notice of its intention to acquire the lands and all rights in or over such lands specified in the schedule appended to that notification;

And, whereas, the competent authority in pursuance of Section 8 of the said Act, has made his report to the Central Government;

And, whereas, the Central Government, after considering the report aforesaid and after consulting the Government of Jharkhand, is satisfied that the lands measuring 1668.15 hectares (approximately) or 4122.59 acres (approximately) as described in the Schedule appended hereto, should be acquired;

Now, therefore in exercise of the powers conferred by sub-section (1) of Section 9 of the Coal Bearing Areas, (Acquisition and Development) Act, 1957, the Central Government hereby declares that the lands measuring 1668.15 hectares (approximately) or 4122.59 acres (approximately) and all rights in or over such lands as described in the Schedule are hereby acquired in phase-II.

The plan bearing number NTPC/CM/07/MIN/003 dated the 25th June, 2008 of the area covered by this notification may be inspected in the Office of the Deputy Commissioner, Hazaribag (Jharkhand State) or in the Office of the Coal Controller, I, Council House Street, Kolkata-700001 or in the Office of the DGM (HR) Pakri Barwadiah Coal Mining Project, NTPC Limited, Opp. Laxmi Petrol Pump, Nawabganj, Hazaribag-825301 (Jharkhand) or in the Office of the DGM (CM-Civil). Coal Mining & Coal Washery Division, NTPC Limited, PDIL Building, West Wing, First Floor, Plot No. A-14, Sector-1, Noida-201301.

SCHEDULE

PAKRI BARWADIH COAL MINING BLOCK

NORTH KARANPURA COALFIELDS IN DISTRICT HAZARIBAGH JHARKHAND

Plan bearing number NTPC/CM/07/MIN/003 Dated the 25th June, 2008

All Rights

Phase-II

(A) REVENUE LAND

Sl Village No.	Thana No.	Thana	District	Area in hectares	Area in acre	Remark
1. Urub	41	Barkagaon	Hazaribagh	135.98	336.60	Part
2. Nagadi	49	Barkagaon	Hazaribagh	66.14	163.43	Part
3. Dadikalan	51	Barkagaon	Hazaribagh	107.19	264.86	Part
4. Chepakalan	52	Barkagaon	Hazaribagh	139.28	344.16	Part
5. Jugra	54	Barkagaon	Hazaribagh	76.85	189.89	Part
6. Arahara	55	Barkagaon	Hazaribagh	114.43	282.75	Part
7. Chepakhur	53	Barkagaon	Hazaribagh	43.16	106.66	Part
8. Sinduari	60	Barkagaon	Hazaribagh	98.24	242.75	Full
9. Sonbersa	59	Barkagaon	Hazaribagh	153.86	380.19	Full
10. Langatu	58	Barkagaon	Hazaribagh	128.67	317.95	Part
11. Keri	62	Barkagaon	Hazaribagh	63.17	156.09	Part
12. Churchu	61	Barkagaon	Hazaribagh	128.50	317.52	Full
13. Deoriakhurd	39	Keredari	Hazaribagh	28.98	71.61	Part
Total (approximately)				1284.45	3174.46	

(B) FOREST LAND (Notified/Un-Notified/Jungle-Jhadi):—

Sl Village No.	Thana No.	Thana	District	Area in hectares	Area in acre	Remark
1. Urub	41	Barkagaon	Hazaribagh	185.02	457.17	Part
2. Nagadi	49	Barkagaon	Hazaribagh	76.13	188.12	Part
3. Arahara	55	Barkagaon	Hazaribagh	8.26	20.41	Part
4. Sinduari	60	Barkagaon	Hazaribagh	10.59	26.17	Full
5. Sonbersa	59	Barkagaon	Hazaribagh	43.14	106.60	Full
6. Langatu	58	Barkagaon	Hazaribagh	34.08	84.21	Part
7. Keri	62	Barkagaon	Hazaribagh	8.56	21.17	Part
8. Churchu	61	Barkagaon	Hazaribagh	16.50	40.77	Full
9. Chepakalan	52	Barkagaon	Hazaribagh	0.57	1.41	Part
10. Jugra	52	Barkagaon	Hazaribagh	0.85	2.10	Part
Total (approximately)				383.70	948.13	

SUMMARY:

(A). TOTAL REVENUE LAND : 1284.45 hectares (approximately) = 3174.46 acres (approximately)

(B). TOTAL FOREST LAND : 383.70 hectares (approximately) = 948.13 acres (approximately)

GRAND TOTAL (A+B) : 1668.15 hectares (approximately) = 4122.59 acres (approximately)

LIST OF REVENUE PLOTS ACQUIRED:—

1. Village Urub :—1 (Part), 11, 14 to 84, 86 to 93, 95 to 104, 106 to 229, 231 to 237, 239 to 341, 343 to 346, 348 to 516, 517 (Part), 518 to 618, 619 (Part), 620 to 627.
2. Village Nagadi :—379 (Part), 737, 798, 801 to 1124, 1126, 1128 to 1142, 1144, and 1145.
3. Village Dadikalan :—579 to 586, 592, 594, 611 to 642, 644 to 1027, 1029 to 1087, 1107 to 1109, 1143 to 1150, 1215, 1217, 1218, 1220 to 1223, 1227 to 1279, 1306 to 1310, 1317 to 1327, 1332, 1335, 1336, 1574 to 1592, 1641 to 1654, 1672, 1675 to 1706, 1709 to 1711, 1928 to 1941, 1971, 1972, 1974, 1975.
4. Village Chepakalan :—117 to 147, 284 to 290, 424, 425, 430 (Part), 431 to 433, 434 (Part), 435 (Part), 436 (Part), 444 (Part), 445 to 513, 514 (Part), 515, 516, 622 to 2125, 2127, 2130 to 2132, 2134, 2135, 2181.

5. **Village Jugra** :—221 to 246, 247 (Part), 314 (Part), 315 to 380, 381 (Part), 382, 386 (Part), 389 (Part), 450 (Part), 451 452 (Part), 455 to 464, 469 (Part), 470 (Part), 485 (Part), 486, 487 (Part), 488 to 1002, 1003 (Part), 1004 to 1007, 1008 (Part), 1009, 1010, 1011 (Part), 1202 (Part), 1203, 1204, 1205 (Part), 1206 (Part), 1209 (Part), 1210 to 1212, 1215, 1216, 1218 to 1227, 1257.
6. **Village Arahara** :—174 (Part), 175 to 180, 181 (Part), 202 (Part), 203 to 208, 209 (Part), 210 to 222, 223 (Part) to 225 (Part), 229 (Part), 253 (Part) 254, 265 to 267, 269 to 1375, 1603 to 1605, 1606 (Part), 1607 to 1617, 1623 to 1625, 1640, 1988 to 1992, 1994 to 1999, 2002 to 2004.
7. **Village Chepakhurd** :—1 to 184, 187 to 210, 281 to 351, 357, 358, 669, 672 to 680, 1113 to 1116.
8. **Village Sinduari** :—1, 3 to 47, 49 to 60, 62 to 64, 65 (Part), 66 to 76, 78 to 81, 82 (Part), 83 to 255, 256 (Part), 257 to 423, 425 to 860, 862, 863.
9. **Village Sonbersa** :—1 to 222, 224 to 238, 240 to 250, 251 (Part), 252 to 254, 255 (Part), 256 to 260, 261 (Part), 262 to 459, 460 (Part), 461 to 738, 740 to 1012, 1014, 1016, 1018 to 1095, 1096 (Part), 1097 to 1105, 1106 (part), 1107 to 1114.
10. **Village Langatu** :—1 to 4, 8 to 63, 64 (Part), 65, 66, 67 (Part), 68 to 80, 82 to 176, 180 to 195, 221, 222, 226 to 238, 241 to 282, 284, 324 (Part), 495 to 520, 524, 525, 539 (Part), 540 to 645, 646 (Part), 647 to 685, 690, 692 to 851, 853 to 866, 871, 934 to 954, 955 (Part), 956 to 1017, 2176 to 2181, 2655 (Part), 3814, 3815, 3817, 3832 to 3836, 3839.
11. **Village Keri** :—1 to 30, 37, 38, 40 to 94, 102 to 106, 126 to 141, 435 to 443, 445 to 458, 459 (Part), 460 to 532, 533 (Part).
12. **Village Churchu** :—1 to 4, 6 to 12, 14 to 627.
13. **Village Deoriakhurd** :—52, 53, 55 to 122, 124 to 133, 140 to 145, 159 to 167, 169 to 172, 174.

List of forest plots acquired :—

1. **Village Urub** :—9 (Part), 10, 12, 13, 85, 94, 105, 230, 238, 342, 347, 517 (Part), 619 (Part), 632.
2. **Village Nagadi** :—735, 736, 1125 (Part), 1127, 1143.
3. **Village Arahara** :—268, 1993.
4. **Village Sinduari** :—2, 48, 61, 65 (Part), 77, 82 (Part), 256 (Part), 424, 861.
5. **Village Sonbersa** :—223, 239, 251 (Part), 255 (Part), 261 (Part), 460 (Part), 739, 1013, 1015, 1017, 1096 (Part), 1106 (Part).
6. **Village Langatu** :—64 (Part), 67 (Part), 81, 646 (Part), 955 (Part), 1018.
7. **Village Keri** :—459 (Part).
8. **Village Churchu** :—5, 13.
9. **Village Chepakalan** :—411.
10. **Village Jugra** :—1057.

Boundary Description of the area to be notified u/s-9(i) for Phase-II

- (i) **Line A-B**: The line starts at point 'A' located on North West corner of village Urub which moves towards South East passing through plot nos. 9, 1, 632, 732, 632 of the said village and ends at point 'B'.
- (ii) **Line B-C**: The line starts at point 'B' located at North of village Urub which moves towards South passing through plot nos. 632, 631, 231 of village Urub and ends at point 'C'.
- (iii) **Line C-D**: The line starts at point 'C' located at South West corner of village Nagadi and moves towards North East passing through plot nos. 1144, 379 of village Nagadi and ends at the point 'D'.
- (iv) **Line D-E**: The line starts at point 'D' located at West corner of village Nagadi and moves towards East passing through plot nos. 379, 735, 736, 737 of village Nagadi and ends at the point 'E'.
- (v) **Line E-F**: The line starts at point 'E' located at North East corner of village Nagadi and moves towards South East passing through plot nos. 737, 921, 922, 921, 927, 919, 798, 801, 802, 805, 813 of village Nagadi and ends at the point 'F'.
- (vi) **Line F-G**: The line starts at point 'F' located at North West of village Dadikalan and moves towards South East passing through plot nos. 683, 579, 582, 586, 592, 594, 611 of Dadikalan and ends at point 'G'.
- (vii) **Line G-H**: The line starts at point 'G' located at West of Chepakalan moves towards East passing through plot nos. 119, 118, 117, 123, 805, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 147, 146 of village Chepakalan and ends at point 'H'.
- (viii) **Line H-I**: The line starts at point 'H' located at South East corner of village Chepakalan and moves towards North East passing through plot nos. 146, 145, 741, 716, 286, 2125, 285, 290, 284, 290 of village Chepakalan and ends at point 'I'.

- (ix) Line I-J: The line starts at point 'I' located at West corner of village Chepakalan and moves towards to East passing plot nos. 290, 712, 424, 425, 455, 454, 431, 430, 436, 434, 435, 445, 444, 516, 515, 514 of village Chepakalan and ends at point 'J'.
- (x) Line J-K: The line starts at point 'J' located at North East corner of village Chepakalan moving towards South West passing through plot nos. 514, 622, 624 of village Chepakalan and ends at point 'K'.
- (xi) Line K-L: The line starts at point 'K' located at North corner of village Jugra moving towards South East passing through plot nos. 221, 230, 231, 243, 247, 314, 322, 379, 380, 381, 382, 386, 389, 489, 488, 487, 485, 486, 468, 469, 470, 454, 463, 455, 452, 450, 1011, 1008, 1003, 1202, 1205, 1206, 1209 of village Jugra and ends at point 'L'.
- (xii) Line L-M: The line starts at point 'L' located at North of village Arahara moves towards South East passing through plot nos. 174, 181, 179, 180, 202, 209, 224, 225, 223, 229, 253 of village Arahara and ends at point 'M'.
- (xiii) Line M-N: The line starts at point 'M' located at East corner of village Arahara moves towards South West passing through plot nos. 253, 254, 222, 362 of village Arahara and ends at the point 'N'.
- (xiv) Line N-O: The line starts at point 'N' located at North corner of village Arahara moves towards to South East passing through plot nos. 362, 361, 356, 271 of village Arahara and ends at point 'O'.
- (xv) Line O-P: The line starts at point 'O' located at East of the village Arahara moves towards South West passing through plot nos. 268, 1988, of village Arahara and ends at point 'P'.
- (xvi) Line P-Q: The line starts at point 'P' located at North corner of the village Arahara moves towards South passing through plot nos. 1988 of village Arahara and ends at point 'Q'.
- (xvii) Line Q-R: The line starts at point 'Q' located at East corner of the village Arahara and moves towards West passing through plot nos. 1993, 1995, 1996 of village Arahara and ends at point 'R'.
- (xviii) Line R-S: The line starts at point 'R' located at East corner of village Arahara moves towards West passing through plot nos. 1616, 1617, 1623, 1624, 1625, 1640, 1603, 1606 (Part), 1373, 1375, 1374, 1351 of the village Arahara and ends at point 'S'.
- (xix) Line S-T: The line starts at point 'S' located at East corner of village Chepakurd moves towards West passing through plot nos. 678, 680, 679, 672, 673, 331, 332, 333, 669, 351, 357, 358, 290 of village Chepakurd and ends at point 'T'.
- (xx) Line T-U: The line starts at point 'U' located at South corner of village Chepakurd moves towards North West passing through plot nos. 289, 288, 287, 284, 283, 282, 281, 1115, 172, 178, 175, 176, 178, 180, 181, 184, 187, 188, 199, 210, 209, 208, 206, 69, 68 of village Chepakurd and ends at point 'U'.
- (xxi) Line U-V: The line starts at point 'U' located at East corner of the village Dadikalan moves towards West passing through plot nos. 1087, 1063, 1108, 1109, 1038, 1030 of village Dadikalan and ends at the point 'V'.
- (xxii) Line V-W: The line starts at point 'V' located at North corner of village Dadikalan moves towards South West passing through plot nos. 1030, 1029, 1027, 1025, 1143, 1144, 1145, 1147, 1148, 1150, 1149, 1227, 1228, 1229, 1230, 1223, 1220, 1218, 1217, 1215 of village Dadikalan and ends at point 'W'.
- (xxiii) Line W-X: The line starts at point 'W' located at North corner of the village Dadikalan moves towards South passing through plot nos. 1215, 1279, 1263, 1307, 1306, 1310, 1317, 1327, 1326, 1332, 1335, 1336, 1574, 1263 of village Dadikalan and ends at point 'X'.
- (xxiv) Line X-Y: The line starts at point 'X' located at West corner of the village Dadikalan moves towards South East passing through plot nos. 1263, 1575, 1592, 1591, 1589, 1588, 1587, 1262, 1643, 1641, 1653, 1654, 1677, 1675, 1680, 1672, 1681, 1706, 1709, 1710, 1711, 1699, 1698, 1262, 1933, 1940, 1932, 1931, 1930, 1929, 1928 of village Dadikalan and ends at point 'Y'.
- (xxv) Line Y-Z: The line starts at point 'Y' located at North corner of village Langatu moves towards South East passing through plot nos. 1, 3, 4, 10, 98, 10, 11, 12, 176, 175, 172, 180, 182, 182, 183, 184, 185, 187, 188, 189, 191, 192, 194, 195, 230, 221, 222, 226, 238, 237, 235, 241, 324, 284, 269, 281, 280, 505, 504, 503, 500, 495, 496, 497, 499, 525, 524, 520, 518, 646, 539, 2655 of village Langatu and ends at point 'Z'.
- (xxvi) Line Z-A1: The line starts at point 'Z' located at East corner of village Langatu moves towards West passing through plot nos. 2655, 2181, 2180, 2176, 646, 685, 692, 690, 742, 851, 853, 854, 858, 859, 860, 861, 862, 863 of village Langatu and ends at point 'A1'.
- (xxvii) Line A1-B1: The line starts at point 'A1' located at South corner of village Langatu moves towards North West passing through plot nos. 863, 864, 871, 866, 934, 939, 940, 954, 1018 of village Langatu and ends at point 'B1'.
- (xxviii) Line B1-C1: The line starts at point 'B1' located at East corner of village Keri moves towards North West passing through plot nos. 526, 528, 529, 533, 436, 435, 442, 443, 459, 139, 141, 132 of village Keri and ends at point 'C1'.

- (xxix) Line C1-D1: The line starts at point 'C1' located at South corner of village Keri moves towards North West passing through plot nos. 131, 130, 129, 128, 127, 126, 106, 71, 104, 105, 103, 102, 93, 94, 44, 42, 41, 40, 38, 37, 30, 28, 27, 23 of village Keri and ends at point 'D1'.
- (xxx) Line D1-E1: The line starts at point 'D1' located at East corner of village Deoriakhurd moves towards North West passing through plot nos. 172, 171, 170, 169, 167, 166, 165, 164, 163, 159, 160, 145, 141, 140, 133, 132, 131, 128, 127, 126, 125, 124, 122, 119, 65, 52, 53, 65, 58, 57, 56, 55 of village Deoriakhurd and ends at point 'E1'.
- (xxxi) Line E1-F1: The line starts at point 'E1' located at South corner of village Deoriakhurd moves towards North passing through plot nos. 55, 62, 63, 64, 65 of village Deoriakhurd and ends at point 'F1'.
- (xxxii) Line F1-G1: The line starts at point 'F1' located at South corner of village Urub moves towards North passing through plot nos. 540, 539, 538, 346 of village Urub and ends at point 'G1'.
- (xxxiii) Line G1-H1: The line starts at point 'G1' located at South corner of village Urub moves towards North passing through plot nos. 346, 98 of village Urub and ends at point 'H1'.
- (xxxiv) Line H1-I1: The line starts at point 'H1' located at West corner of village Urub moves towards North-East passing through plot nos. 98, 97, 95, 105, 94, 105, 85, 32 of village Urub and ends at point 'I1'.
- (xxxv) Line I1-J1: The line starts at point 'I1' located at South corner of village Urub moves towards North passing through plot nos. 32, 13, 12, 11, 10 of village Urub and ends at point 'J1'.
- (xxxvi) Line J1-A: The line starts at point 'J1' located at South corner of village Urub moves towards North passing through plot nos. 9, 1 of village Urub and ends at point 'A'.

[No. 43015/7/2005/PRIW-1 (Vol.III)]

M. SHAHABUDEEN, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 दिसम्बर, 2008

क्र.आ. 3274.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन क्षेत्र के उपक्रम, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड के निम्न कार्यालयों को, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड,
गोवा विमानन सेवा सुविधा, प्लॉट ए-10,
मुरगांव औद्योगिक क्षेत्र, चिकालिम, वास्को-गोवा-403711
2. हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड,
टाटानगर आईआरडी (स्टार टाकीज के सामने)
बर्मा माइन्स, स्टेशन रोड, टाटानगर, जमशेदपुर-831001

[सं. 11011/1/2007 (हिन्दी)]

एल. एन. गुप्ता, संयुक्त सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 4th December, 2008

S.O. 3274.—In pursuance of Sub Rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices of the public sector undertaking Hindustan Petroleum Corporation Limited, under the administrative control of the Ministry of Petroleum & Natural Gas, in which more than 80 percent staff have acquired working Knowledge of Hindi:—

1. Hindustan Petroleum Corporation Limited,
Goa Aviation Service Facility, Plot A-10/11,
Murgaon Co-op. Ind. Estate, Chicalim, Vasco, Goa-403711
2. Hindustan Petroleum Corporation Limited,
Tata Nagar IRD, (Opp. Star Talkies)
Burma Mines, Station Road, Tata Nagar, Jamshedpur-831001

[No. 11011/1/2007 (Hindi)]

L. N. GUPTA, Jt. Secy.

नई दिल्ली, 10 दिसम्बर, 2008

का. आ. 3275.—भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 261 दिनांक 20 जनवरी, 2005 में जो भारत के राजपत्र दिनांक जनवरी 22, 2005 भाग-II, खण्ड 3 उपखण्ड (ii) के पृष्ठ संख्या 840 में पंक्ति संख्या 01 एवं अधिसूचना संख्या का.आ. 2414 दिनांक 4 जुलाई, 2005 में जो भारत के राजपत्र दिनांक जुलाई 9, 2005 भाग-II, खण्ड 3 उपखण्ड (ii) के पृष्ठ संख्या 7304 में पंक्ति संख्या 25 में प्रकाशित ग्राम खटवाड़ के अन्तर्गत खसरा नम्बर "179" के स्थान पर "199" पढ़ा जावे।

[फा. सं. आर-31015/72/2004-ओ.आर-II]

ए. गोस्वामी, अवर सचिव

New Delhi, the 10th December, 2008

S. O. 3275.—in the notifications of Government of India, Ministry of Petroleum and Natural Gas number S.O. 261 dated 20th January 2005 published in the Gazette of India Part-II section 3 - sub Section (ii) dated 22nd January 2005 at page 865 in line 01 and number S.O. 2414 dated 4th July 2005 published in the Gazette of India part-II - section 3 - sub section (ii) dated 9th July 2005 at page 7325 in line 25 under village Khatwad for survey "179" read "199".

[No. R-31015/72/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 10 दिसम्बर, 2008

का. आ. 3276.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 570 तारीख क्रमशः 22.02.2007 जो भारत के राजपत्र तारीख क्रमशः 24.02.2007 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में गुजरात राज्य में मुन्द्रा से दिल्ली तक पेट्रोलियम उत्पादों के परिवहन के लिए मुन्द्रा-दिल्ली पेट्रोलियम उत्पाद पाइपलाइन के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी।

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 15.05.2007 को उपलब्ध करा दी गई थी।

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट दे दी है।

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात्, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है।

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, इस मंत्रालय के सहमति पत्र सं. आर-31015/7/03 ओ. आर-॥ दिनांक 25.11.2004 द्वारा लगाई गई शर्तों के अध्वधीन सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील: शाहपुरा		जिला: जयपुर	राज्य: राजस्थान		
क्र.सं.	गाँव का नाम	खसरा सं.	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर
1	2	3	4	5	6
1	देवन	2528	0	04	48

[फा. सं. आर-31015/60/2004-ओ.आर-॥]

ए. गोस्वामी, अवर सचिव

New Delhi, the 10th December, 2008

S. O. 3276.— Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas, S.O. Nos. 570 dated 22.02.2007 in the Schedule below issued under Sub-Section (1) of Section 3, Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated 24.02.2007 respectively the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline through Mundra - Delhi Petroleum Product Pipeline for transportation of petroleum products from Mundra in the state of Gujarat to Delhi by Hindustan Petroleum Corporation Limited.

And whereas copies of the said Gazette notification were made available to the public on the 15.05.2007;

And whereas the competent authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And whereas the Central Government after considering the said report and on being satisfied in the Schedule appended to this notification is hereby acquired for laying the pipeline;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Hindustan Petroleum Corporation Limited, free from all encumbrances, subject to the conditions imposed vide this Ministry's consent letter No. R-31015/7/03 OR-II dated 25.11.04.

Schedule

Tehsil: SHAHAPURA		District JAIPUR	State: RAJASTHAN		
Sr. No.	Name of the Village	Khasara No.	Area		
			Hectare	Are	Sq.Mtr
1	2	3	4	5	6
1	DEVAN	2528	0	04	48

[No. R-31015/60/2004-O.R.-II]

A. GOSWAMI, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2008

का. आ. 3277.— भारत सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि देश के विभिन्न हिस्सों में उपभोक्ताओं को प्रदाय हेतु के.जी.डी. 6 (के.जी.डी.डब्ल्यू.एन-98/3) खोज ब्लॉक से आग्न प्रदेश के पूर्वी गोदावरी जिले के तलारेवू मण्डल के अन्तर्गत गडीमोगा गाँव के नजदीक ऑनशोर टर्मिनल तक प्राकृतिक गैस के परिवहन के लिए, केन्द्र शासित प्रदेश पुडुचेरी के यनम क्षेत्र में अडविपोलम गाँव से होते हुए, मैसर्स रिलायन्स इण्डस्ट्रीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और, भारत सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः, अब, भारत सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसके पश्चात उक्त अधिनियम कहा गया है), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उनमें उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन जारी की गई अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाई जाने के लिए उपयोग के अधिकार के अर्जन के संबंध में श्री के. गंगाचलम, सक्षम प्राधिकारी द्वारा मैसर्स रिलायंस इण्डस्ट्रीज लिमिटेड, रिलायंस कार्पोरेट पार्क, बिल्डिंग नं. 5, घनसोली, ठाणे-बेलापुर रोड, नवी मुम्बई-400701 (महाराष्ट्र)/कैम्प कार्यालय-67-11-21/2, साविसुजा, न्यू सैचूरी पब्लिक स्कूल के सामने, एल. वी. नगर, काकीनाडा, पूर्वी गोदावरी जिला आन्ध्र प्रदेश राज्य-533003 को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची				
क्षेत्र : यनम	क्षेत्र : यनम	क्षेत्र शासित प्रदेश पुडुचेरी		
गांव का नाम	सर्वे सं। / सब डिविजन सं।	आर ओ यू अर्जित करने के लिए क्षेत्रफल		
		हेक्टेयर	एयर	सि एयर
1	2	3	4	5
1) अडविपोलम	एफ/11/2 2/1	0	41	15
	एफ/11/10/2	0	96	23
	एफ/11/10/1	0	00	19
	एफ/11/10/1	0	82	42
	एफ/11/9/2	0	91	08
	एफ/11/9/1	0	44	43
	एफ/11/8/5	0	09	78
	एफ/11/8/4	1	03	98
	एफ/13/9	1	12	40
	एफ/13/8/6	0	02	14
	एफ/13/8/7	0	16	95
	एफ/13/10/1	0	13	46
	एफ/13/10/3	0	57	12
	एफ/13/10/4	0	23	53
	एफ/13/10/5	0	19	97
	एफ/13/11/5	0	19	41
	एफ/13/11/3	0	48	84
	एफ/13/11/2	0	51	81
	एफ/14/11/2	0	05	56
	एफ/14/11/1	0	06	81
	एफ/15/12/1	1	87	74
	एफ/15/11	1	04	13
	एफ/15/10/2	0	45	89
	एफ/15/10/1	0	32	78
	एफ/15/7/1	0	71	33
	एफ/15/6/3	0	18	88
	एफ/15/6/2	0	49	89
	एफ/15/6/1	0	41	88
	एफ/15/5/1	0	93	58
	एफ/13/11/4	0	07	39
	एफ/13/8/8	0	06	30

	2	3	4	5
एक/13/10/2	0	08	35	
जी/5/2	0	15	40	
एक/13/11/1	0	1	85	
जी/5/1बाग & जी/3/1बाग	2	71	81	
जी/2/6/1	0	30	30	
एक/15/1	0	03	10	

[च. सं. एल-14914/30/2008-जी.पी.]

के.के. शर्मा, अवर सचिव

New Delhi, the 12th December, 2008

S. O. 3277.—Whereas it appears to Government of India that it is necessary in public interest that for transportation of natural gas from exploration block KGD6 (KG-DWN-98/3) to the onshore terminal near Gadimoga Village in Tallarevu Mandal under East Godavari District of Andhra Pradesh, for supply to consumers in various parts of the country, pipeline should be laid passing through Adavipolam Village of Yanam region in the Union Territory of Puducherry, by M/s Reliance Industries Limited;

And, whereas, it appears to Government of India that for the purpose of laying such pipeline, it is necessary to acquire the Right of User in land under which the said pipeline is proposed to be laid and which are described in the Schedule annexed here to;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India hereby declares its intention to acquire the Right of User therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India under sub-section (1) of Section 3 of the said Act, are made available to the general public, object in writing to the acquisition of Right of User therein for laying the pipeline under the land to Shri K. Ganga Chalam Competent Authority, C/o M/s. Reliance Industries Limited, Reliance Corporate Park, Building No. 5, Ghansali Thane-Belpur Road, Navi Mumbai-400701 (Maharashtra)/Camp Office at D. No. 67-11-21/2, Savisuja, opposite New Century Public School, L.B. Nagar, Kakinada-533003, East Godavari District, Andhra Pradesh State.

Schedule				
Region : Yanam		Region : Yanam		Union Territory of Puducherry
Village	Survey No. / Sub-Division No.	Area to be acquired for ROU		
		Hectare	Are	C-Are
1	2	3	4	5
1) Adavipolam	F/11/22/1	0	41	15
	F/11/10/2	0	96	23
	F/11/10/1	0	00	19
	F/11/10/1	0	82	42
	F/11/9/2	0	91	08
	F/11/9/1	0	44	43
	F/11/8/5	0	09	78
	F/11/8/4	1	03	98
	F/13/9	1	12	40
	F/13/8/6	0	02	14
	F/13/8/7	0	16	95
	F/13/10/1	0	13	46
	F/13/10/3	0	57	12
	F/13/10/4	0	23	53
	F/13/10/5	0	19	97
	F/13/11/5	0	19	41
	F/13/11/3	0	48	84
	F/13/11/2	0	51	81
	F/14/11/2	0	05	56
	F/14/11/1	0	06	81
	F/15/12/1	1	87	74
	F/15/11	1	04	13
	F/15/10/2	0	45	89
	F/15/10/1	0	32	78
	F/15/7/1	0	71	33
	F/15/6/3	0	18	88
	F/15/6/2	0	49	89
	F/15/6/1	0	41	88
	F/15/5/1	0	93	58
	F/13/11/4	0	07	39
	F/13/8/8	0	06	30

1	2	3	4	5
	F/13/10/2	0	08	35
	G/5/2	0	15	40
	F/13/11/1	0	01	55
	G/5/1pt & G/3/1pt	2	71	81
	G/2/6/1	0	30	30
	F/15/1	0	03	10

[F. No. L-14014/30/2008-G.P.]

K.K. SHARMA, Under Secy.

नई दिल्ली, 12 दिसम्बर, 2008

का. आ. 3278.—यतः मैसर्स गैस अथॉरिटी ऑफ इण्डिया लिमिटेड (वर्तमान में गेल (इण्डिया) लिमिटेड) द्वारा पेट्रोलियम और प्राकृतिक गैस के परिवहन के लिए अम्बेवाडी-उसार पाइपलाइन बिछाने के प्रयोजन के लिए भारत सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1927 तारीख 29 जुलाई, 2004 द्वारा, उन अधिसूचनाओं से संलग्न अनुसूचियों में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी

और, यतः, भारत सरकार ने उक्त अधिनियम ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अन्तर्गत सक्षम प्राधिकारी द्वारा प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् और संतुष्ट हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने हेतु चाहिए, उसमें उपयोग के अधिकार का अर्जन किये जाने का निर्णय लिया था

और यतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार ने पाइपलाइन बिछाने के प्रयोजन के लिए, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 2848 तारीख 9 अगस्त 2005 द्वारा उन अधिसूचनाओं से संलग्न अनुसूचियों में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित किया था,

और, यतः, उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार ने उक्त भूमि में उपयोग का अधिकार क्रमशः अधिसूचनाओं के प्रकाशन की तारीख से, भारत सरकार में निहित होने की बजाए सभी बाधाओं से मुक्त मैसर्स गेल (इण्डिया) लिमिटेड में निहित किया था,

और कतः, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार ने आई. पी. सी. एल. को भी पाइपलाइन बिछाने के प्रयोजन के लिए, भारत सरकार के श्रम मंत्रालय की अधिसूचना का.आ, 27 तारीख 17 दिसम्बर 1987 द्वारा उन अधिसूचनाओं से संलग्न अनुसूचियों में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित किया था,

और, कतः, मैसर्स गेल (इण्डिया) लिमिटेड जो कि अम्बेवाड़ी-उसार गैस पाइपलाइन बिछ रही है, ने इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार, जो उपरोक्तानुसार मैसर्स रिसावंस इन्डस्ट्रीज लिमिटेड में निहित है और आर. ओ. यू. के साथ परस्पर व्याप्त होने के कारण, मैसर्स गेल (इण्डिया) लिमिटेड के साथ बांटने की इच्छा जताई है,

और, कतः, मैसर्स रिसावंस इन्डस्ट्रीज (पहले आई. पी. सी. एल.) ने गाँव पिटकिरी, बाघविराखार एवं विखलीखार, मण्डल अलिबाग, जिला रायगढ़, आपसी सहमत शर्तों के आधार पर उक्त भूमि में उपयोग के अधिकार को मैसर्स गेल (इण्डिया) लिमिटेड के साथ बांटने के लिए अपनी सहमति दे दी है,

अतः, अब, उक्त अधिनियम की धारा 6 की उपधारा (4) के द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार, जो मैसर्स आई. पी. सी. एल. (और अब आर. आई. एल. दोनों कम्पनियों के विलय के कारण) में निहित किया गया था, इस घोषणा के प्रकाशन की तारीख से मैसर्स गेल (इण्डिया) लिमिटेड के द्वारा भी उपयोग किया जाएगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे न.	क्षेत्रफल (हेक्टेयर में)
1	2	3	4	5
रायगढ़	अलिबाग	पिटकिरी	231	00-04-00
			250	00-00-50
			256	00-12-00
			263	00-05-00
			281	00-00-50
			283	00-05-00
			नाला	00-03-00
			291	00-05-00
			292	00-05-00
			294	00-22-00
			296	00-17-00
			297	00-05-00
			नाला	00-06-00
			300	00-03-00
			303	00-22-00
			251	00-13-70

1	2	3	4	5
रायगढ़	अलिबाग	नांदविरवार	81	00-10-00
			77	00-01-00
			80	00-09-00
			28	00-10-00
			17	00-10-00
			1	00-02-50
रायगढ़	अलिबाग	चिरव्हीरवार	19	00-14-00
			30	00-18-00
			52	00-07-00
			नाला	00-03-00
			111	00-02-00

[फा. सं. एल-14014/32/2008-जी.पी.]

के.के. शर्मा, अपर सचिव

New Delhi, the 12th December, 2008

S. O. 3278.— Whereas by notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 1927 dated 29th July, 2004, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), Government of India declared its intention to acquire Right of User in lands, specified in the schedule appended to those notifications, for the purpose of laying Ambewadi-Usar pipeline by M/s. GAIL (India) Limited for transportation of natural gas;

And whereas, Government of India, after considering the reports submitted by Competent Authority under sub-section (1) of Section 6 of the Act and on being satisfied that the said land was required for laying the pipeline, decided to acquire the Right of User therein;

And whereas, in exercise of powers conferred by sub-section (1) of Section 6 of the Act, Government of India declared acquisition of the Right of User in land, specified in the schedule appended to that notification, for laying the pipeline, vide notification of Government of India in Ministry of Petroleum and Natural Gas number S.O. 2848 dated 9th August, 2005;

And whereas, in exercise of powers conferred by sub-section (4) of Section 6 of the Act, Government of India declared vesting the Right of User in the said land for laying the pipeline by M/s. GAIL (India) Limited, instead of Government of India, free from all encumbrances on the date of publication of that notification.

And whereas, in exercise of powers conferred by sub-section (1) of Section 6 of the Act, Government of India also declared acquisition of the Right of User in land, specified in the schedule appended to that notification, for laying the pipeline by IPCL, vide notification of Government of India in Ministry of Industry number S.O. 27 dated 17th December, 1987;

And whereas, M/s GAIL (India) Limited, which is laying Ambewadi-Usar pipeline, intends to share the Right of User in land with M/s Reliance Industries Limited due to overlapping, described in the schedule appended to this notification, which has been earlier vested as mentioned above;

And whereas, M/s Reliance Industries Limited (Formerly with IPCL) has consented for sharing of the Right of User in the said land with M/s GAIL (India) Limited at villages Pitkiri, Bagvira and Chikhalikhar, Mandal Alibag, District Raigad on terms and conditions mutually agreed upon;

Now, therefore, in exercise of powers conferred under sub-section (4) of Section 6 of the Act, Government of India directs that the Right of User in the said land, vested earlier with M/s IPCL and now with M/s RIL due to amalgamation of both companies, would also be used by M/s GAIL (India) Limited, from the date of publication of this declaration.

SCHEDULE

District	Tehsil	Village	Survey No.	Area (Sq.m)
1	2	3	4	5
Raigad	Alibag	Pitkiri	231	00-04-00
			250	00-00-50
			256	00-12-00
			263	00-05-00
			281	00-00-50
			283	00-05-00
			Nala	00-03-00
			291	00-05-00
			292	00-05-00
			294	00-22-00
			296	00-17-00
			297	00-05-00
			Nala	00-06-00
			300	00-03-00
			303	00-22-00
			251	00-13-70
Raigad	Alibag	Bagvira	81	00-10-00
			77	00-01-00
			80	00-09-00
			28	00-10-00
			17	00-10-00
			1	00-02-50
Raigad	Alibag	Chikhalikhar	19	00-14-00
			30	00-18-00
			52	00-07-00
			Nala	00-03-00
			111	00-02-00

[F. No. L-14014/32/2008-G.P.]

K.K. SHARMA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 11 नवम्बर, 2008

का.आ. 3279.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. सी. सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या 1, धनबाद के पंचाट (संदर्भ सं. 88/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-2008 को प्राप्त हुआ था।

[सं. एल-20012/65/96-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 11th November, 2008

S.O. 3279.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 88/1997) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. C.C. Ltd. and their workmen, which was received by the Central Government on 11-11-2008.

[No. L-20012/65/96-IR(C-1)]

SNEH LATA JASWAS, Desk Officer

ANNEXURE**BEFOR THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I AT DHANBAD****Present : Shri Hari Mangal Singh, Presiding Officer**In the matter of an Industrial Dispute under
Section 10(1)(d) of the I.D. Act, 1947**Reference No. 88 of 1997****Parties :** Employers in relation to the management of
Swang Colliery of M/s. CCL and their workman**APPEARANCES**

On behalf of the workman : Mr. G. Prasad, Advocate

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 5th November, 2008

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/65/96-IR(Coal-I), dated, the 3rd April, 1997.

SCHEDULE

"Whether the action of the management of Swang Colliery of M/s. CCL in not referring the case of Sri Khirodhar Mahato to the Apex Medical Board for assessment of his age is justified? If not, to what relief is the workman entitled?"

2. The case of the workman as disclosed in the W.S. submitted on behalf of the concerned workman by the sponsoring union is that Khirodhar Mahato was employed in the Pipradih Colliery as B.G./U.G. Miner on 6-10-1971, while the colliery was under private owners and long before the Nationalisation of the Coal Mines under the provisions of the Coal Mines (Nationalisation) Act, 1973. Subsequent to the nationalisation of the Coal Mines, Pipradih Colliery was merged with Swang Colliery. At the time of his appointment the concerned workman disclosed his age as 19 years. It has been stated that the concerned workman is a literate person and read upto Class VIIIth standard and he was a student of Ucca Vidyalaya-Bagodar-Giridih which is a recognised High School. In order to maintain his family he left the school and worked as a casual worker here and there till he was employed in 6-10-71 in the Pipradih Colliery as a Miner/Loader. It has been further stated that the concerned workman came to know that his date of birth was not properly recorded in the statutory registers of the management and he from time to time represented before the management for the correction of his date of birth as 25th February, 1952 which has been recorded in the registers of the Ucca Vidyalaya, Bagodar Giridih and in support of his claim he produced the School Leaving Certificate. In the year 1987 the concerned workman was issued Service excerpt wherein his date of birth was incorrectly recorded as 6-10-1942. As soon as he saw and read that his date of birth was not properly recorded, he challenged the same and recorded his date of birth as 25th February, 1952 and returned the same to the employer. The Personnel Manager, Kathara Area by letter dated 26-5-84 directed all the officers concerned of different mines/projects under Khatara to give one more opportunity to all the workmen who are covered under the provisions of the NCWA-II, to file application with respect to correction of date of birth. It has been further stated that the applicant represented through the Area Secy. CCL, C.K.S. Swang, to the management for the correction of his date of birth but it was not corrected. Thereafter the union of the workman represented the matter before the management for the correction of his date of birth. Subsequently the Dy. Chief Personnel Manager (KTA) Kathara vide letter dated 8th/11th November, 1991 requested the Swang Colliery Project Officer to examine the case of the concerned workman along with Shudeshwar Beldar and Sukera Chamar but the Project Officer, swang Colliery neither examined the case of the workman concerned nor sent his file. It has been alleged that the management has adopted a discriminatory attitude towards the concerned workman in not considering the

case of the concerned workman. It has been stated that the service conditions of the workmen of Coal Industry are Governed by the Certified Standing Orders/Model Standing Orders and NCWAs. The workman side in their W.S. has reproduced the relevant provisions of Implementation Instruction No. 76 regarding procedure for determination/verification of age of employees.

Since the date of birth of the concerned workman was not corrected by the management his union raised an industrial dispute before the ALC(C) Hazaribagh which ultimately resulted reference to this Tribunal for adjudication. Accordingly it has been prayed on behalf of the workman that an Award may be passed holding the action of the management of Swang Colliery of M/s. CCL in not referring the concerned workman to the Apex Medical Board as not justified and further that the management be directed to refer the concerned workman to the Apex Medical Board for assessment of his age.

3. It has been stated by the management in their W.S. that the present reference is not legally maintainable. As per their W.S. the concerned workman was appointed on 6-10-71 at Pipradih Colliery during the time of the private management and at the time of his appointment he declared his age as 29 years. Accordingly in the Form B Register maintained under Section 48 of the Mines Act, 1952, read with Mines Rules, 1955 the age column contained his age as 29 years and his date of appointment column as 6-10-71. The concerned workman also put his thumb impression in the Form B Register of the aforesaid colliery. His age has been mentioned as 29 years as on 6-10-71 in the Form A which was submitted by the management to the Coal Mines Provident Fund Commissioner. In the said Form A the concerned workman also put his LTI in the Form A indicating thereby that he declared his age as 29 years and the same has been correctly recorded in the Form B Register as well as in Form A of C.M.P.F. returns. Thus in all the documents of the Company maintained even after taken over of management of Pipradih Colliery and its nationalisation, his date of birth has been recorded as 6-10-42 considering his age as 29 years as on 6-10-71. Accordingly there was no ground for correction of his date of birth by sending the concerned workman to the Apex Medical Board and assessing his age in terms of JBCCI Circular No. 76. It has been stated by the management that the concerned workman has advanced his claim that his case should be considered for sending him to Apex Medical Board in view of different date of birth entered in his school leaving certificate under his possession. On Perusal of such a certificate, it was observed by the management that the said certificate was not genuine apart from the fact that such certificate is not admissible as evidence to consider for review of the age, date of birth on the basis of medical examination as per JBCCI Circular No. 76. Accordingly to the management as the concerned workman failed to establish a reasonable ground for sending

him to Apex Medical Board for assessment of his age for the purpose of correction of his date of birth entered in the company's records, his demand could not be acceded to and the present reference is liable to be summarily rejected on this ground alone. It has been prayed on behalf of the management that an Award be prayed rejecting the claim of the concerned workman.

4. In this case both the parties also filed their respective rejoinders admitting and denying the contents of some of the paras of each others' W.S.

5. Management side in order to substantiate their claim has produced and examined MW-1 who has proved documents marked as Ext. M-1, M-2 and M-3. The union also produced and examined WW-1, the concerned workman himself who has proved document Ext. W-1 and WW-2 who has proved document marked as Ext. WE-2 and also WW-3 who has proved document marked as Ext. W-3.

6. Ld. Counsel for the workman argued that the date of the concerned workman as per School Certificate is 25-2-52 but management has not accepted the said date of birth as he has joined service on 6-10-71 and he has been superannuated from service on the ground that he was 29 years on the date of his joining service on 6-10-71. He also argued that he has filed Ext. W-1 School Leaving Certificate of Uchha Vidyalaya, Bagodar Giridih and photo copy of admission register marked as Ext. W-2 in which his date of birth has been mentioned as 25-2-52 which has been proved by WW-2. But management has entered his age/date of birth on 6-10-71 as 29 years as per Ext. M-2 and also as per Ext. M-1 From B Register the concerned workman was of 29 years, when it has also been mentioned as 6-10-42 in Ext. M-3 which is CCL's Office Order dated 17-8-2001.

7. Ld. Counsel for the management argued that School Leaving Certificate which has been filed by the concerned workman is false and fabricated. He has stated at page 2 of his cross-examination that from Class I to Class VII he had studied in the school of his village. He has deposited his transfer certificate at the time of admission in Bagodar High School and he has also admitted in his cross-examination that he was admitted in January, 1965 and left in February, 1965. Ext. W-1 shows that he was student in Class VIII and in this school he studied only from January, 1965 to February, 1965 which seems to be doubtful. But the concerned workman has not filed any School Leaving Certificate of his village school where he has studied as per his statement from Class I to Class VII though he has given reason in cross-examination that he was unable to pay his fees in his village school. When he was unable to pay fees in another school which is far away from his village in case he belongs to Hazaribagh District and School Leaving certificate has been issued from Giridih district. Moreover, admission book marked as Ext. W-2 shows that

it's all columns have not been filled up but it contained column of signature of respectable witness because of first admission, name and place of previous school which is left blank and also the column "Class in which reading" is not filled up and there is no mention of T.C. No. and date of T.C. It shows that the above document has been manufactured and prepared in order to support his case. If he has got this certificate and he joined service in 1971 why he has not filed this School Leaving Certificate in 1971. It clearly casts doubt about the genuineness of Ext. W-1. Moreover, this Ext. W-1 has been issued on 6-12-95. The dispute has arisen in November, 2002 when he was superannuated. He has not filed this document before superannuation for correction of his age to the management though his case was pending since long 1995. Ld. Counsel for the management has also argued that in all records of the company and also in C.M.P.F. record the date of birth of the concerned workman has been recorded as 1942. This fact has been admitted by the concerned workman that at the time of his appointment in Pipradih Colliery he has put his L.T.I. in service sheet at Pipradih Colliery. It shows that the date of birth/age which has been mentioned in the service sheet at Pipradih Colliery when he has joined, has been accepted by him and his age has been recorded in another institute at the time of joining of service of the concerned workman at P.F. Office.

7. Regarding School Leaving Certificate WW-2 Krishna Kumar Pandey who has proved Ext. WE-2 has stated in his cross-examination "We do not mention the date of granting X School Leaving Certificate. Again he says that on 6-9-76 first transfer certificate was issued and the duplicate was issued in the year 1998. I cannot say why the date of issue of T.C. has not been mentioned for other student than the concerned workman." This statement only shows that after a lapse of about 12 years this duplicate T.C. has been obtained by the concerned workman. It is not believable that he produced the School leaving Certificate at the time of his appointment. WW-3 in course of his cross-examination has stated that in the year 1987 when service excerpt was served upon the concerned workman his date of birth was recorded therein as 6-10-1942 which he has not challenged but he has accepted it in the year 1987. In the year 1991 the above concerned workman has shown his School Leaving Certificate in proof of his age to WW-3. It shows that when his retirement was nearer he got this School Leaving Certificate manipulated and fabricated and filed it.

8. Ld. Counsel for the workman has referred to a decision reported in 2007 (3) LJLR 68 in which Hon'ble High Court laid down that the age mentioned in Matriculation Certificate is to be treated as final. In the present case there is no Matriculation certificate because of the fact that concerned workman is not Matriculate. This view has also been held in 2006 (3) LJLR page 209 and also in 2007 (4) LJLR 656.

9. Ld. Counsel for the workman argued that provision (v) of Standing Order of BCCL, as per Employment Standing Order Central Rules, 1946 has not been followed by the management. In this respect basic dispute is regarding age of the concerned workman which has to be proved by the concerned workman himself rather than short comings of the management regarding non-compliance of Government Rules. In this respect Hon'ble Supreme Court in 2001 Lab I.C. 28 laid down the following :-

- (A) Constitution of India, Arts. 226, 16-Correction of date of Birth-Controversy over, raised by employee long after joining service-Birth date determined by employer in accordance with service Rules or General instructions issued - No typographical or arithmetical error - No interference by the High Court in exercise of extraordinary Jurisdiction.
- (C) Constitution of India, Arts. 226, 16-Birth date-Correction in service record long after joining service, particularly when employee is on verge of retirement- Not to be accepted generally-Interim Order issued by Court in such cases has chain reaction - In as much as it mars chances of promotion of juniors."

Hon'ble Supreme Court also referred 1997 AIR SCW 1879, AIR 1997 SC 2055, (1997) 4 SCC 647, 1995 AIR SCW 2282, AIR 1995 4 SCC 172.

10. Ld. Counsel for the management has referred to a decision reported in 2008 (118) FLR 472 in which Hon'ble Calcutta High Court has laid down the following :-

"Date of Birth-Correction of - Sought through writ petition under Article 226 of the Constitution of India-Petitioner was appointed way back in 1972 And he did not represent, for all these years, regarding error in his date of birth in service records. Held, no relief could be granted to the petitioner in the writ petition- Liberty given to the petitioner to approach regular Civil Court-Writ petition dismissed.

In this respect Hon'ble High Court also referred decisions reported in (1997) 4 SCC 647, AIR 1988 SC 1976, and 1995 4 SCC 172. Ld. counsel for the management has also referred to another decision reported in 2008 (118) FLR 665 in which Hon'ble Delhi High Court laid down the following :-

"Service-Date of Birth of Government Servant-Altera-in-fundamental Rule 56-procedure prescribed-Has to be followed for affecting change-in facts of instant case procedure prescribed under the Rule was not followed-Direction issued by the Central Administrative Tribunal was only to effect that the competent authority may decide the respondent's representation in this regard-Such an order of the

Tribunal cannot be said to be final as Competent Authority was required to decide the matter as per Rules."

11. As per law laid down by the Hon'ble Supreme Court at the fag end of service date of birth ordinarily cannot be altered. Moreover, in the present case the concerned workman has totally failed to prove that his date of birth is 25-2-52 when he entered in the service of the company in 1971. In the result, the following Award is rendered:-

"The action of the management of Swang Colliery of M/s. CCL, in not referring the case of Sri Khirdhar Mahato to the Apex Medical Board for assessment of his age is justified. Consequently, the concerned workman is not entitled to get any relief."

HARI MANGAL SINGH, Presiding Officer

नई दिल्ली, 11 नवम्बर, 2008

का.आ. 3280.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै. बी. सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या 1, धनबाद के पंचाट (संदर्भ सं. 130/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-11-2008 को प्राप्त हुआ था।

[सं. एल-20012/492/99-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 11th November, 2008

S.O. 3280.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 130/2000) of the Central Government Industrial Tribunal-cum-Labour Court No. I, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. B.C.C. Ltd. and their workman, which was received by the Central Government on 11-11-2008.

[No. L-20012/492/99-IR(C-1)]

SNEH LATAJAWAS, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD

In the matter of a reference u/s. 10(1) (d) (2A) of the Industrial Disputes Act, 1947

Reference No. 130 of 2000

Employers in relation to the management of Moonidih Area of M/s. B.C.C. Ltd.

And

Their workman

PRESENT : Shri H. M. Singh,
Presiding Officer.

APPEARANCES

For the employers : Shri R.N. Ganguly, Advocate.

For the workman : Shri S.C. Gour, Advocate.

State : Jharkhand

Industry : Coal.

Dated, the 3rd November, 2008.

AWARD

By Order No. L-20012/492/99-I.R.(C-1), dated 28-2-2000 the Central Government in the Ministry of Labour, has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the management of Moonidih Area of M/s. B.C.C. Ltd. in retiring Shri Shiv Sagar Thakur, Asstt. Security Guard with effect from 16-12-98 without getting his age assessed is legal and justified? If not, to what relief the workman is entitled?"

2. The workman has filed written statement stating that he was appointed as Asstt. Security Guard on 10-12-1962 and he submitted School Leaving Certificate dated 12-5-1976 which contained his date of birth as 1-2-1944 and the same was accepted by the management without any objection. The management issued an Identity Card which contained the date of birth as 32 years as on 1-1-1977. The management prepared service except on 25-6-87 giving reference of the school leaving certificate but mentioning the date of birth as 24 years on 18-12-1962 which was opposed by the workman, subsequently the management circulated combined eniority lists dated 28-12-89 and 27-12-90 showing no date of birth of the workman while in the subsequent seniority lists dated 25-1-95 and 9-5-95 the date of birth was shown as 1-2-1944 setting at the rest all the controversies of the past. The copy of the Form 'B' register produced before the L.E.O. (Central), the date of birth contained as 1-2-1944. The management had been raising objections about the authenticity of date of birth recorded as 1-2-1944 from time to time and which were settled every time. The management gave a notice of retirement to the workman vide their letter No. SMD/Estb/Per/409/98/207 dated 16/19-1-1998 issued by the Addl. General Manager, Western Jharia Area, Moonidih retiring the workman from the service of the company w.e.f. 18-12-1998. The union challenged the legality of termination of service of the workman w.e.f. 18-12-1998 but inspite of that the management did not agree to settle the issue mutually and hence the Central Govt.,

Labour Ministry had to refer the industrial dispute for adjudication before this Tribunal. It has been prayed to pass an Award granting reinstatement of the workman with full wages and other benefits w.e.f. 18-12-1998.

3. The management has filed written statement stating that the reference is bad in law and not legally maintainable. It has also been said that the workman concerned was not retired or superannuated on and from 16-12-98 as mentioned in the terms of reference and hence the reference is likely to be rejected. It has also been stated that Shiv Sagar Thakur was appointed in Sudamdih Project on 10-12-1962 by National Coal Development Corporation, the erstwhile owner of Sudamdih Project. At the time of appointment his date of birth was recorded in the service records of erstwhile N.C.D.C. as 24 years as on 18-12-62 as per Doctor's report. Subsequently the workman concerned was transferred to Moonidih Project wherein his date of birth was recorded as 24 years as on 18-12-62 as per Doctor's report. The workman concerned did not produce any documentary proof for his date of birth at the time of appointment and that is why his date of birth was assessed through medical examination. In the year 1987 Service excerpts mentioning therein the date of birth besides various other details of the employee were issued to all employees including the workman concerned and the aforesaid service excerpt was given to protest against any entry which was considered wrong by the employee. The date of birth of the workman concerned was recorded as 24 years as on 18-12-62 in the service excerpt of 1987, a copy of which was returned to the employer by the workman concerned after his signature, which clearly shows that he had agreed and accepted the entries made in the column 'date of birth'.

It is submitted that the workman concerned is literate. It is further submitted that in the service records based on which service excerpts were prepared and contain same date of birth as mentioned above and the aforesaid service records bear the signature of the workman concerned. The workman concerned started agitating about his date of birth at the age and of his services which is not valid as per the settled law of the land by the Apex Court. It has been prayed that the action of the management in retiring the workman concerned on the basis of his aforesaid date of birth is legal and justified.

4. In the rejoinder filed by the management, it has been stated that the statement made by the workman in their written statement contrary to what has been submitted in the foregoing paragraphs are emphatically denied by the employer and the employers put the workman to the strict proof of the same. It has also been stated that the concerned workman was designated as Asstt. Sub-Inspector (Security) at the time of his retirement and he was neither Asstt. Security Guard as mentioned in the reference nor Asstt. Security as mentioned in the written

statement of the workman, therefore the reference is wrong besides the reason mentioned in para 3 of the statement and hence is not legally maintainable. The alleged school leaving certificate appears to be a fake document as the same is dated 12-5-76 and the service excerpts as mentioned in paras 8 & 9 of this written statement was circulated in 1987, but the concerned workman kept silent and did not protest against the date of birth mentioned in the service excerpt. Had the school leaving certificate really been in his possession in 1987, then he would have definitely protested against the date of birth as recorded in the service excerpt. There is a long time span between 1976 to 1987 is about eleven years the workman did not agitate about his date of birth even after 1987 which casts a deep shadow of doubt on the bonafide of the alleged school leaving. The alleged date of birth in Form 'B' Register of Moonidih Project, it is submitted, that the dealing Asstt. who was in charge of Form 'B' Register personally being influenced by the workman concerned had relied upon the alleged school leaving certificate without any authority and order from the competent authority for which the said dealing Assistant has already been subjected disciplinary action. Thus, the above entry can not be treated as correct, and the concerned workman has been rightly superannuated on the basis of the age as recorded at the time of appointment and he is not entitled for any relief.

5. The workman examined himself as WW-1 and proved Exts. W-1, W-2 and W-3. The management has produced MW-1, Nand Kishore Jha, to prove its case and the witness has proved Ext. M-1 and M-2.

6. The main contention of the learned representative of the workman is that the management issued Identity Card, Ext. W-2 in which 32 years has been mentioned as on 1-1-1977 which is not accepted by the management. Because of the fact that the management itself has issued the management cannot deny given age of the workman. Moreover, the management has also published seniority list, Ext. W-3, dated 26-1-1990 which shows at serial no. 135 that the date of birth of the concerned workman is 1-2-1944.

In this respect the management argued that the alleged false entry in recording date of birth for which enquiry proceeding has been completed as per Exts. M-2, M-4 and M-5, but as per documents which have been issued by the management which shows that the date of birth of the concerned workman is 1-2-1944. As regards argument of the learned counsel of the management is that in the service register 24 years has been given on the date of appointment 10-12-62. The above paper has been exhibited as Ext. M-1 which has been prepared by the management on 12-1-63 and the date of birth of the concerned workman has been given as 24 years on 18-12-62 as per Doctor's report. But the management has not filed any Doctor's report in which it shows the age of the concerned workman

has been given by the Doctor as 24 years on 18-12-62. Moreover, the above facts in the service register i.e. (24 years on 18-12-62 as per Doctor's report) has been mentioned in different ink and different pen, which shows that it has been manipulated by the management itself, when Doctor's report which has not been produced before this Tribunal on which basis 24 years on 18-12-62 has been mentioned, which shows that the management has not produced the same to establish its case. The management in its written statement in para 10 has stated that the concerned workman is literate. As per Joint Bipartite Committee for the Coal India No. CIL/NCWA-III/I.I. no. 76/88/185 dated 25th April, 1988 which states about the date of birth dispute if a person is literate—Annexure-I Para (ii) of Implementation Instruction No. 76 (A) it has been stated—"in the case of appointees who have pursued studies in a recognised educational institution, the date of birth recorded in the School Leaving Certificate, shall be treated as correct date of birth and the same will not be altered under any circumstances." It shows that the date of birth which has been stated in school leaving certificate that cannot be changed or reviewed. The workman has filed school leaving certificate relying on his date of birth. The management also in its written statement in para 10 stated that the workman is literate. So, in the circumstances the management cannot deny the date of birth of the concerned workman which is mentioned in the school leaving certificate and Identity Card issued by the management and also seniority list published by the management. Moreover, the management's witness, MW-1 has stated in his cross-examination that Sudamdih Project was a part of MCDC. All the mines are guided by the provisions of Mines Act and Regulations. He also stated that at the time of appointment of a workman his date of birth and other necessary particulars are essentially required to be entered in Form 'B' Register as per Section 48 of the Mines Act and no workman can be deployed anywhere unless those entries are made. He further said "I cannot say whether at the time of his appointment at Sudamdih Colliery the age of the concerned workman was immediately recorded in the Form 'B' or not." So, there is no dispute that the concerned workman was appointed at Sudamdih Project and that the Form 'B' Registers are available with the management. But the management has not produced the Form 'B' Register before this Tribunal it only shows that the management knowingly has not produced Form 'B' Register as because it is favourable to the concerned workman.

7. The argument of the management is that in the year 1994 there was manipulation in the date of birth about 100 persons and action has been taken against the Dealing Assistant, J.K. Das. In this respect the witness, MW-1 has stated in cross-examination in page 3 that in the year 1994 the manipulation in that register in which the name of the concerned workman mentioned was not detected. It shows that no manipulation took place regarding present workman

in the register. The management's witness, MW-1 also stated in cross-examination "I cannot say whether in the said chargesheet specifically it is mentioned or not that the said Dealing Assistant had done the manipulation in respect of the entries relating to the concerned workman also. Personnel Department was the controlling Authority of the concerned workman." It shows that no manipulation has taken place regarding present workman's date of birth. It is argued on behalf of the management that the date of birth which is mentioned in Form 'B' Register was served on the workman and accepted by him because it is circulated to all the workman for correction of date of birth, if any dispute, it is again corrected on the basis of protest. But in this respect MW-1 cross-examination in page 3 stated that Form 'B' is not consulted while mentioning the particulars relating to a particular workman in service excerpt. Moreover, above witness also stated in page 4—"I cannot say whether the age of the concerned workman at the time of his appointment was assessed by one doctor or by the Medical Board. It shows that on the basis of the Doctor's report the management arrived at on the date of birth of the concerned workman, but the Doctor's report has not filed so that the management's case be accepted.

The date of birth of the concerned workman which has been mentioned in Identity Card and also in seniority list published and in the school leaving certificate given by the workman shows 1-2-1944 and the management superannuated him earlier without any basis.

8. Accordingly, the following award is rendered. The action of the management of Moonidih Area of M/s. B.C.C. Ltd. in retiring Shri Shiv Sagar Thakur with effect from 18-12-1998 is not justified. Hence, the concerned workman is entitled to be reinstated in service with full back wages. Since the concerned workman already crossed the age of superannuation, he will be entitled to be paid full back wages from the date of termination his termination i.e. 18-12-98 to the date of actual superannuation i.e. 1-2-2004. The management is directed act accordingly.

H.M. SINGH, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3281.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 57 (सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/16/2008-आई. आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3281.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 57 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/16/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL SHRAM BHAWAN,
BAILEY ROAD, PATNA**

Reference Case No. 57(C) of 2008

Between the management of LIC of India Ltd., Patna

AND

Their workman Shri Chandan Kumar, represented by
B.M.S. Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC.

For the workman : Shri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated 23rd October, 2008.

By adjudication order No.L-17012/16/2008-IR(M) dated 21-5-2008, the Government of India, Ministry of Labour, New Delhi, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., and their workman Shri Chandan Kumar, represented by B.M.S. Patna, for adjudication to this Tribunal :

“Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of Daily Wage Worker Shri Chandan Kumar working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, to what relief the worker is entitled to ?”

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been

filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a “No dispute Award”.

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3282.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ. इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 50 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/9/2008-आई आर (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3282 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 17-11-2008.

[No. L-17012/9/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFOR THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL SHRAM BHAWAN, BAILEY ROAD,
PATNA**

Reference Case No. 50(C) of 2008

Between the management of LIC of India Ltd., Patna

AND

Their workman Shri Nand Kumar, represented by B.M.S.,
Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC.

For the workman : Shri Murari Prasad,
Representative of B.M.S.

Present : Vasudev Ram, Presiding
Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated 22nd October, 2008

By adjudication order No.L-17012/9/2008-IR(M) dated 16-5-2008, the Government of India, Ministry of Labour, New Delhi, under Clause(d) of sub-section (1)

and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Nand Kumar, represented by B.M.S., Patna, for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of Daily wage Worker Shri Nand Kumar working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, to what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3283.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ. इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 51 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/8/2008-आई आर (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3283.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 51 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 17-11-2008.

[No. L-17012/8/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFOR THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 51(C) of 2008

Between the management of LIC of India Ltd., Patna

And

Their workman Shri Baleshwar Prasad, represented by B.M.S. Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC.

For the workman : Shri Murari Prasad,
Representative of B.M.S.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated 22nd October, 2008.

By adjudication order No. L-17012/8/2008-IR(M) dated 16-5-2008, to the Government of India, Ministry of Labour, New Delhi, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Baleshwar Prasad, represented by B.M.S. Patna, for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of Daily wage Worker Shri Baleshwar Prasad, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, to what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3284.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ. इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 52 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/7/2008-आई आर (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3284.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 17-11-2008.

[No. L-17012/7/2008-IR(M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 52(C) of 2008

Between the management of LIC of India Ltd., Patna

AND

Their workman Shri Lalit Narayan Mishra, represented by B.M.S., Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC

For the Workman : Shri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, the 22nd October, 2008.

By adjudication order No. L-17012/7/2008-IR(M), dated 16-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Lalit Narayan Mishra, represented by B.M.S. Patna, for adjudication to this Tribunal :

“Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of Daily Wage Worker Shri Lalit Narayan Mishra, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, to what relief the worker is entitled to ?”

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently

a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a “No Dispute Award”.

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

क्र.आ. 3285.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ. इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 53 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/6/2008-आई आर (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3285 .—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/6/2008-IR(M)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 53(C) of 2008

Between the management of LIC of India Ltd., Patna

AND

Their workman Shri Shiv Kumar Chourasia, represented by B.M.S. Patna..

For the Management : Shri Anil Kumar Verma,
Representative of LIC

For the Workman : Shri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, the 22nd October, 2008.

By adjudication order No. L-17012/6/2008-IR(M), dated 16-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Shiv Kumar Chourasia, represented by B.M.S. Patna, for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of Daily wage Worker Shri Shiv Kumar Chourasia, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, to what relief the worker is entitled to ?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No Dispute Award".

3. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3286.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ. इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 54 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/3/2008-आई. आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3286.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 54 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/3/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 54(C) of 2008

Between the management of LIC of India Ltd., Patna

AND

Their workman, represented by B.M.S. Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC

For the Workman : Shri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, the 23rd October, 2008.

By adjudication order No. L-17012/3/2008-IR(M), dated 16-5-2008, the Government of India, Ministry of Labour, New Delhi, under Clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Anil Kumar, represented by B.M.S. Patna, for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of Daily wage Worker Shri Anil Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, to what relief the worker is entitled to ?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No Dispute Award".

3. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3287.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ. इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 12 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/54/2007-आई. आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3287.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 12 (C)/2008) of the Central Government Industrial Tribunal/Labour Court Patna now as shown in the Annexure, in the

Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/54/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 12(C) of 2008

Between the management of LIC of India Ltd., Patna and Their workman, Shri Chittaranjan Kumar, represented by B.M.S., Patna

For the Management : Shri T. T. Mukherjee,
Representative of LIC

For the Workman : Shri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna

AWARD

Patna, dated the 29th October, 2008

By adjudication Order No. L-17012/54/2007-IR(M) dated 7-1-2008, the Government of India, Ministry of Labour, New Delhi, under clause(d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Chittaranjan Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Chittaranjan Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief Shri Chittaranjan Kumar is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award:

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3288.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मै बनवारी लाल नवाटा ऑफ कमरहाटु लाईम स्टोन माईन्स प्रा. लि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच,

अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 1, धनबाद के पंचाट (संदर्भ सं. 24/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-29012/07/1996-आई.आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3288.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/1996) of the Central Government Industrial Tribunal No. 1, Dhanbad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Banwari Lal Nawata of Kamarhatu Lime Stone Mines Pvt. Ltd. and their workman, which was received by the Central Government on 17-11-2008.

[No. L-29012/07/1996-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 AT DHANBAD PRESENT:

Shri H. M. Singh, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act., 1947

REFERENCE No. 24 of 1996

Parties : Employers in relation to the management of M/s. Banwari Lal Nawata of Kamarhatu Lime Stone Mines Pvt. Ltd. and their workman

APPEARANCES

On behalf of the Workman : Mr. H. Haque, Advocate

On behalf of the Employers : Mr. D. Mukherjee,
Advocate & K. Chakravorty
Advocate.

State : Jharkhand Industry : Limestone

dated 22nd October, 2008

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-29012/07/96-I.R. Vividh dated the 31st May, 1996.

SCHEDULE

"Whether the action of the management of M/s. Banwari Lal Nawata of Kamarhatu Lime Stone Mines Pvt. Ltd. in terminating Shri Binsa Deogam is correct and justified? If not, to what relief the workman is entitled to?"

2. The case of the workman as per his W. S. is that the concerned workman was a permanent employee in

Kamarhatu Lime Stone Mines as a Miner and he had been working there since 31-1-1986 till his dismissal on 9-3-1992. In course of his employment his performance was satisfactory and the name of the concerned workman was entered in the Provident Fund Scheme, 1952 and an account was opened being No. 2871/141. During the course of employment the concerned workman never got any adverse remarks against his performance. It has been stated that while the concerned workman was in employment a blood donation camp was organised by the management in Newatia Guest on 28-3-1990. In the said blood donation camp the concerned workman along with other workers were forced to donate blood by the employers. The workman has further stated that though the concerned workman has expressed his inability to donate blood due to ill-health, poverty and weak physical condition, yet blood was taken from him under threat of the management. Consequently the concerned workman fell ill continuously for few months and he had to remain under medical treatment. The concerned workman informed the management about his illness and prayed for grant of leave and monetary help for proper treatment but the management refused to do so. While the concerned workman was under medical treatment in ill health he requested the management to provide him light duty but the management removed the concerned workman from his service without issuing any charge-sheet or show cause notice. Even no enquiry on disciplinary proceeding was initiated by the management before his dismissal from service. The concerned workman was also unable to submit any explanation. Thus the management has grossly violated the provisions of Certified Standing Order. Accordingly it has been prayed by the concerned workman to pass an Award holding the dismissal of the concerned workman from service as illegal and unjustified with direction to reinstate the concerned workman in his original job with full back wages from the date of his dismissal.

3. In the W.S. filed on behalf of the management it has been stated that the present reference is not legally maintainable. The concerned workman Shri Binsa Deogan had been working as Casual Miner at Kamarhatu Lime Stone mines. In course of his employment he was very irregular, negligent and was in the habit of absenting from duty without any information and without taking any prior leave. He started absenting from duty w.e.f. 12-8-1991 without informing the reason of his absence and he also did not submit any leave application before the management. The management waited patiently for the concerned workman but he did not report for duty. As per provision of the Standing Order a workman loses his lien on appointment in the event of absenting from duty for 8 days. Thereafter the concerned workman raised an industrial dispute before the ALC (C) regarding alleged termination of his service. In the conciliation proceeding the concerned workman prayed for light job but as the management had no vacancy in the light job he could not be provided there. Legally also the

concerned workman cannot claim light job. In course of conciliation proceeding management offered to reinstate the concerned workman as Minor without any back wages but the concerned workman did not accept the offer of the management. Ultimately due to adamant attitude of the concerned workman a failure of conciliation report was sent to the Ministry by the ALC (C) which resulted reference to this Tribunal for adjudication. It has been prayed on behalf of the management that an Award be passed holding that the action of the management is legal and justified and the concerned workman is not entitled to get any relief.

4. Both the parties have filed their respective rejoinder admitting and denying the contents of some of the paras of each others W.S.

5. Management side in order to substantiate their claim have examined Patitpaban Mahato as MW-1 who has proved document marked as Ext. M-1. On the side of the workman the concerned workman has been examined as WW-1 who have proved documents marked as Ext. W-1 to W-5.

6. Heard Ld. Counsels of both sides.

7. It has been stated by the management in para-13 of their W.S. that the concerned workman was offered reinstatement without back wages by the management but the concerned workman did not accept the offer of the management as he is not interested for the job. It shows that management have offered to reinstate the concerned workman in his job but the workman demanded that he should be given full back wages too because he has donated blood on the pressure of the management as a result of which he became ill and he has filed application but management has not granted him leave or cared for treatment. Ext. W-2 shows that the concerned workman has donated blood on 28-3-1990. Ext. W-3 is a Medical Certificate from which it appears that the concerned workman has suffered from T.B. and as per Ext. W-1 which is a P.F. deduction account it appears that he was the permanent employee of the management but management has not issued any charge-sheet for his action and neither any enquiry has been conducted against the concerned workman. MW-1 has stated in his cross-examination at page 2 that in Form B register marked as Ext. M-1 there is no mention that the concerned workman was a casual miner when P.F. has been deducted as per Ext. W-1. It shows that he was permanent employee of the management because MW-1 has stated in his cross-examination that P.F. deduction concerning the concerned workman used to be made in his case. He has also stated that during the period no charge-sheet was issued against him. No any warning letter was also issued to him. It shows that the concerned workman was stopped from his duty without any enquiry and charge-sheet which reflects the dictatorial attitude of the management against the concerned workman. Moreover, the concerned workman used to reside in a very short distance from the business place of the

management because MW-1 has stated in cross-examination that a little away from the concerned mine the house of the concerned workman is situated. He has also further stated that it is correct to say that the distance between the two can be covered within 5 minutes. It, therefore shows that no information was given to the concerned workman. No charge-sheet and no notice was given to the concerned workman though he resides within a very distance and that distance can be covered within 5 minutes. Not only this but also other co-workers who are co-villagers of the concerned workman work with the same management. Even then no information has been given to the concerned workman through the co-workers.

8. Ld. Counsel for the management argued that WW-1 the concerned workman has stated in his cross-examination that he has worked for about one year after donating the blood but during that period gradually he became weak. He also argued that donation of blood has no concern with the concerned workman though it is fact that blood donation has been done by the concerned workman on 28-3-1990 and thereafter gradually he became ill and due to illness he could not go to the place of work. The Medical Certificate marked as Ext.W-3 shows that the concerned workman had suffered from T.B. Under the circumstances it is the duty of the management to provide medical help and treatment to the concerned workman but instead of providing medical help and treatment to the concerned workman when he had been suffering from T.B. management stopped him from work when he came to report for duty without any rhyme or reason and also without issuing any charge-sheet and holding domestic enquiry. Thus the act of the management shows quite arbitrary and against law. Accordingly, following Award is rendered :—

“The action of the management of M/s. Banwari Lal Nawata of Kamarhatu Lime Stone Mines Pvt. Ltd. in terminating Shri Binsa Deogam is not correct and not justified. Consequently, the concerned workman is entitled to be reinstated to his original job with full back wages from the date of his termination to the date of his reinstatement.”

H. M. SINGH, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3289.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 8 (सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/50/2007-आईआर (एम)],

कमल बाखरु, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3289.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8(C)/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/50/2007-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL,
PATNA

Reference Case No. 8(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Naresh Kumar, represented by

B.M.S., Patna

For the Management : Sri T. T. Mukherjee, Representative of LIC

For the Workman : Sri Murari Prasad, Representative of BMS

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, dated the 24th October, 2008

By adjudication Order No. L-17012/50/2007-IR (M) dated 4-1-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Naresh Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

“Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Naresh Kumar, working for a long period and not giving him regular status of a permanent worker is justified? If not, what relief Sh. Naresh Kumar is entitled to?”

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workmen and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a “No dispute Award”.

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3290.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 9(सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/51/2007-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3290.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9(C)/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Patna as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/51/2007-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 9(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Naresh Kumar, represented by B.M.S., Patna

For the Management : Sri T. T. Mukherjee, Representative of LIC

For the Workman : Sri Murari Prasad, Representative of BMS

Present: Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, the 24th October, 2008

By Adjudication Order No. L-17012/51/2007-IR (M) dated 4-1-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act', for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Jitendra Kumar, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Jitendra Kumar,

working for a long period and not giving him regular status of a permanent worker is justified? If not, what relief Sh. Jitendra Kumar is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workmen and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3291.—औद्योगिक विवाद अधिनियम, 1947
(1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 66(सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/25/2008-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3291.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 66(C)/2008) of the Central Government Industrial Tribunal-cum-Labour Court, Patna as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/25/2008-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PATNA

Reference Case No. 66(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Jogi Kumar, represented by B.M.S., Patna

For the Management : Sri Anil Kumar Verma, Representative of LIC

For the Workman : Sri Murari Prasad, Representative of BMS

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna

AWARD**Patna, dated the 24th October, 2008**

By adjudication Order No. L-17012/25/2008-IR (M) dated 26/29-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Jogi Kumar, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Jogi Kumar, working for a long period and not giving him regular status of a permanent worker is justified? If not, to what relief the workman is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workmen and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3292.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट [संदर्भ सं. 62(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/21/2008-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3292.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 62(C)/2008] of the Central Government Industrial Tribunal-cum-Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/21/2008-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA**

Reference Case No. 62(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Upendra Kumar, represented by B.M.S., Patna

For the Management : Sri Anil Kumar Verma, Representative of LIC

For the Workman : Sri Murari Prasad, Representative of BMS

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, dated the 31st October, 2008

By adjudication Order No. L-17012/21/2008-IR (M) dated 26/28-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 [hereinafter called 'the Act' for brevity] has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Upendra Kumar, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Upendra Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief Sh. Upendra Kumar is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3293.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 60(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/19/2008-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3293.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 60(C)/2008] of the Central Government Industrial Tribunal-cum-Labour Court, Patna as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/19/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA**

Reference Case No. 60(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Guddu Kumar, represented by B.M.S., Patna

For the Management : Sri Anil Kumar Verma, Representative of LIC

For the Workman : Sri Murari Prasad, Representative of BMS

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna

AWARD

Patna, dated the 17th November, 2008

By adjudication Order No. L-17012/19/2008-IR (M) dated 21-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Guddu Kumar, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Guddu Kumar, working for a long period and not giving him regular status of a permanent worker is justified? If not, to what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workmen and moved. Under the circumstances I presume that now no dispute exists between the parties hence I hereby pass a "No Dispute Award".

3. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3294.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 61(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/20/2008-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3294.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 61(C)/2008] of the Central Government Industrial Tribunal-cum-Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/20/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PATNA**

Reference Case No. 61(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Ram Prasad, represented by B.M.S., Patna.

For the Management : Sri Anil Kumar Verma, Representative of LIC.

For the Workman : Sri Murari Prasad, Representative of BMS.

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated the 27th October, 2008

By adjudication Order No. L-17012/20/2008-IR(M) dated 21-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Ram Prasad, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Ram Prasad

working for a long period and not giving him regular status of a permanent worker is justified and Legal? If not, what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No Dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3295.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 59(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/18/2008-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3295.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 59(C)/2008] of the Central Government Industrial Tribunal-cum-Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/18/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, SHRAM BHAWAN,
BAILEY ROAD, PATNA**

Reference Case No. 59(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Shri Sakaldeo Thakur, represented by B.M.S., Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC.

For the Workman : Sri Murari Prasad, Representative
of BMS.

Present : Vasudeo Ram, Presiding Officer, Industrial
Tribunal, Patna.

AWARD

Patna, dated the 27th October, 2008

By adjudication Order No. L-17012/18/2008-IR(M) dated 21-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section-10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' in brevity) has referred the following Industrial Dispute between the Management of LIC of India Ltd., Patna and their workman Sri Sakaldeo Thakur, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Sakaldeo Thakur working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, to what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No Dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट [संदर्भ सं. 58(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/17/2008-आईआर (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 58(C)/2008] of the Central Government Industrial Tribunal-cum-Labour Court, Patna, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/17/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, SHRAM BHAWAN,
BAILEY ROAD, PATNA****Reference Case No. 58(C) of 2008**

Between the Management of LIC of India Ltd., Patna and their workman Shri Pintoo Kumar, represented by B.M.S., Patna.

For the Management : Shri Anil Kumar Verma, Representative of LIC.

For the Workman : Sri Murari Prasad, Representative of BMS.

Present : Vasudeo Ram, Presiding Officer, Industrial Tribunal, Patna.

AWARD

Patna, dated the 27th October, 2008

By adjudication Order No. L-17012/17/2008-IR(M) dated 21-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section-10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following Industrial Dispute between the Management of LIC of India Ltd., Patna and their workman Shri Pintoo Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Pintoo Kumar working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No Dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

क्रा.आ. 3297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार में यादव एण्ड कम्पनी, कन्वैक्ट (ऑफ आईओसीएल, एलपीजी बोटलिंग प्लांट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 11, नई दिल्ली के पंचाट (संदर्भ संख्या आईडीसं.-49/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-30012/7/2007-आई.आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D. No. 49/2007) of the Central Government Industrial Tribunal-cum-Labour Court No. II, New Delhi, now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of M/s. Yadav & Company, Contractor of IOCL, LPG Bottling Plant and their workman, which was received by the Central Government on 17-11-2008.

[No. L-30012/7/2007-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
NO. II, RAJENDRA BHAVAN, RAJENDRA PLACE,
NEW DELHI**

I.D. No. 49/07

dated : 24-10-2008

In the matter of dispute between :

Shri Dinesh Kumar,
Represented by Petroleum Mazdoor Union,
C/o CPWD Workers Union, Sector IV,
R. K. Puram, New Delhi-110022.

..... Workman

Versus

The Sr. Plant Manager,
I.O.C.L., LPG Bottling Plant,
Madanpur Khadar,
New Delhi.

2. M/s. Yadav & Company,
WZ & 374, Shakarpur,
New Delhi-110034.

.... Management

Appearances : None for the Workman
SHRI N. K. Mangla, Dy.
Manager of the Management

AWARD

The Central Government Ministry of Labour vide Order No. L-30012/7/2007-IR(M) dated 21-8-2007 has referred the following Industrial Dispute to this Tribunal for adjudication :

"Whether the termination of Shri Dinesh Kumar in June, 2005 by M/s. Yadav & Company, New Delhi contractor of IOCL, LPG Bottling Plant, Madanpur Khadar, New Delhi is just and legal? If not, to what relief the workman is entitled?"

2. Ever since the reference has been received by this Tribunal, the workman has never appeared nor has he filed any Statement of Claim. This case was reserved for award on 17-6-2008 but my Ld. Predecessor without pronouncing the award has retired and Consequently I sent another notice to the workman for pursuing his case further but he

has not turned up. It appears that the workman is not interested in the outcome of this reference. Hence No Dispute Award is passed in this case. File be consigned to record room.

Dated: 24-10-2008

SATNAM SINGH, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट [संदर्भ सं. 56(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/1/2008-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 56(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/1/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, SHRAM BHAWAN,
BAILEY ROAD, PATNA**

Reference Case No. 56(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Dharmendar Kumar, represented by B.M.S., Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC.

For the Workman : Shri Murari Prasad, Representative
of BMS.

**Present : Vasudeo Ram, Presiding Officer, Industrial
Tribunal, Patna**

AWARD

Patna, dated the 23rd October, 2008

By adjudication order No. L-17012/1/2008-IR(M) dated 16-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section-10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred

the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Dharmendra Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Dharmendra Kumar working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 17 नवम्बर, 2008

का.आ. 3299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एल आई सी ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 55(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/2/2008-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 17th November, 2008

S.O. 3299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 55(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/2/2008-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, SHRAM BHAWAN,
BAILEY ROAD, PATNA**

Reference Case No. 55(C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Kaloo Kumar, represented by B.M.S., Patna.

For the Management : Shri Anil Kumar Verma,
Representative of LIC.

For the Workman : Shri Murari Prasad, Representative
of BMS.

Present : Vasudeo Ram, Presiding Officer, Industrial
Tribunal, Patna

AWARD

Patna, dated the 23rd October, 2008

By adjudication Order No. L-17012/2/2008-IR(M) dated 16-5-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section-10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Kaloo Kumar, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Kaloo Kumar working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, to what relief the worker is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओ.एन.जी.सी. के प्रबंधकों के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या आई डी सं.-68/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-30011/10/2003-आईआर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S. O. 3300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. I.D. No. 68/2003) of the Central Government Industrial Tribunal/Labour Court, Hyderabad now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ONGC and their workman, which was received by the Central Government on 17-11-2008.

[No. L-30011/10/2003-IR (M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present : Shri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of September, 2008

INDUSTRIAL DISPUTE No. 68/2003

Between :

The General Secretary,
ONGC Ltd., Contract Workers Union,
Adikarivari Street, Narsapuram,
West Godavari (A.P.) 534275. ...Petitioner

And

The Additional Executive Director,
ONGC Ltd., Krishna Godavari Project,
Godavari Bhavan, Base Complex (A.P.),
Rajahmundry-534275. ... Respondent

APPEARANCES

For the Petitioner : M/s. K. Chidambaram, S.N. Padmini,
Y. V. Srinivasan, & Ch. Krupavanth,
Advocates

For the Respondent : Sri. K. Venkata Rao & G. Ramasubba
Rao, Advocates

AWARD

The Government of India, Ministry of Labour by its order No. L-30011/10/2003-IR(M) dated 19-6-2003 referred the following dispute under section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. O.N.G.C. Ltd., and their workman. The reference is :

SCHEDULE

"Whether the demand of the O.N.G.C. Contract Workers Union, Narsapuram for regularization of services of 62 helpers viz. S/Sh. Y.N.P. Kumar and 61 others (As per list) working under M/s. Chaitanya Industrial Services Co-operative Society Ltd., by the principal employer i.e., M/s. Oil & Natural Gas Corpn. Ltd., Krishna Godavari Project, Rajahmundry is legal and/or justified? If not, to what relief the concerned union is entitled?"

The reference is numbered in this Tribunal as I.D. No. 68/2003 and notices were issued to the parties.

2. The Petitioner union filed claim statement stating that the 62 workers. Their job is of perennial nature. It is submitted that in view of the prohibition of the contract labour in the fire fighting, driving, the applicants were re-designated as skilled in respect of drivers and semi-skilled. In turn they are deemed to be the employees of O.N.G.C. and entitled for all benefits attached to the post of fireman and drivers. Hence, prayed to direct the Respondent to regularize the services of the seven workmen.

3. The case has been posted for filing of counter and documents by the Respondent on today i.e., 17-9-2008, but the counsel for the Petitioner filed memo today, i.e., 17-9-2008 stating that the case is settled out of court. The management came up with a settlement to regularize Sri B. Shiva Shankar and 45 others similarly placed workers and to that effect the council for the Petitioner filed letter No. HAL/HD/402/2/IR/08 dated 3-6-2008 by the Respondent to the counsel for the Petitioner for withdrawal of the industrial dispute as the matter was settled out of court. Hence, the I.D. is closed as withdrawn as prayed.

Accordingly, an Award is passed, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 17th day of September, 2008.

VED PRAKASH GAUR, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	NIL
Witnesses examined for the Respondent	NIL
Documents marked for the Petitioner	NIL
Documents marked for the Respondent	NIL

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3301.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हिन्दुस्तान एयरोनॉटिक्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कोलकता के पंचाट (संदर्भ सं. 24/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18-11-2008 को प्राप्त हुआ था।

[सं. एल-42011/2/2006-आई आर (डी.यू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 24/2007) of the Central Government Industrial Tribunal/Labour Court, Kolkata, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Hindustan Aeronautics Ltd. and their workmen, which was received by the Central Government on 18-11-2008.

[No. L-42011/2/2006-IR(DU)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

REFERENCE NO: 24 OF 2007

Parties : Employers in relation to the management of Hindustan Aeronautics Ltd.

AND

Their Workmen

Present: Mr. Justice C.P. Mishra Presiding Officer

APPEARANCE

On behalf of the : Mr. D. K. Ghosh, Advocate
Management with Mr. R. De, Advocate

On behalf of the workmen : None.

State : West Bengal. Industry : Aeronautics.

Dated, the 6th November, 2008

AWARD

By Order No. L-42011/2/2006-IR (DU), dated 14-08-2007 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

SCHEDULE

"Whether the direct employer-employee relationship existed between the Management of Hindustan Aeronautics Ltd. and their 31 workmen as per Annexure ? If yes, whether the action of the management in transferring them w.e.f. 1-9-2005 is legal and justified ? If the above action is not legal and justified, to what relief the workmen are entitled to ?"

2. When the case is called out today, none appears for the workmen. Advocate for the management is present and has stated that none has ever appeared for the workmen in this case and they are no longer interested in the matter. He has prayed for disposal of the case by passing a "No Dispute" Award.

3. It appears from the record that none has ever appeared on behalf of the workmen in this case, nor any step is taken behalf to proceed with the matter in spite of service of notice upon the union. It is accordingly clear that Tribunal, therefore, has no other alternative but to dispose of the matter by passing a "No dispute" Award. A "No dispute" Award is accordingly passed and the reference is disposed of.

C.P. MISHRA, Presiding Officer

Kolkata,

The 6th November, 2008.

ANNEXURE—I

Employees Converted from Management Contract to Private Contract

Sl. No.	Name	Department	Nature of Job	Year of Joining
01.	Tapas Gope	Store	Store Keeper	1995
02.	Subhasis Nandy	Store	Store Keeper cum Computer Operator	1998
03.	Achintya Ray Chaudhuri	Store	Store Keeper cum Computer Operator	1993
04.	Biswanath Sutradhar	Store	Store Helper	1995
05.	Tarak Pal	Store	Store Helper	1996
06.	D. Mahavir	Store	Store Helper	1993
07.	Pratul Roy	Maintenance	A.C. Plant Operator cum Electrician	1998
08.	Biswanath Dey	Hanger Shop	Computer Operator	1995
09.	Miss. Priscalla Magor	Medical	Aaya	1998
10.	Miss. Rinku Das	Progress	Clerk cum Messenger	1998
11.	P. Mankundu	Canteen	Cook	1992
12.	Amar Kr. Pathak	Canteen	Cook	1998
13.	Sunil Manna	Canteen	Cook	1998
14.	Sanjit Kr. Biswas	Canteen	Cook	1998
15.	Pardip Sarkar	Canteen	Cook	1998
16.	Gouri Shankar Rajak	Canteen	Canteen Helper	1998
17.	Prem Nath Shaw	Canteen	Canteen Helper	1995
18.	S. Mukherjee	Canteen	Canteen Helper	1998
19.	Asit Kr. Pal	Canteen	Canteen Helper	1998
20.	Partha Chatterjee	Accounts	Accounts cum Computer Operator	1992
21.	Koushik Chanda	Accounts	Accounts cum Computer Operator	1998
22.	Somnath Nandy	Accounts	Accounts cum Computer Operator	1998
23.	Gopal Ch. Dey	Transport	Driver	1998
24.	Tapan Debnath	Transport	Driver	1999
25.	Abdul Mannan	Transport	Driver	1991
26.	Debananda Pal	Transport	Driver	1993
27.	Arjun Das	Test Pilot Office	Helper	1997
28.	Debasis Chattaraj	Quality Control	Computer Operator	1998
29.	Abhik Gangopadhyay	Planning	Computer Operator	1992
30.	Loknath Das	Finishing	Helper	1976
31.	Ashis Kr. Das	Progress	Helper	1992

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई.सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 19 (सी)/2007] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/18/2007-आई. आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 19(C)/2007] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of L.I.C. of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/18/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 19(C) of 2007

Between the management of LIC of India Ltd., Patna and their workman Sri Madan Kumar, represented by B.M.S., Patna.

For the Management : Sri Navin Kumar,
Representative of LIC.

For the workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Dated, Patna, the 30th October, 2008

By adjudication order No. L-17012/18/2007-I. R. (M), dated 7-9-2007 the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section(1) and sub-section(2A) of Section-10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Madan Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising

the services of daily wage worker Shri Madan Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If it is an unfair labour practice, what relief the worker is entitled to ?"

2. Parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3303.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 13(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/55/2007-आई. आर. (एम.)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 13(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 17-11-2008.

[No. L-17012/55/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA

Reference Case No. 13(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Sri Girish Kumar, represented by B.M.S., Patna.

For the Management : Sri T. I. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Dated, Patna, the 24th October, 2008

By adjudication Order No. L-17012/55/2007-1 R (M), dated 7-1-2008, to the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Girish Kumar, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Girish Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief Shri Girish Kumar is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 41(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/83/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 41(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 17-11-2008.

[No. L-17012/83/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA.

Reference Case No. 41(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Shri Ramadhar Singh, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Dated, Patna, the 29th October, 2008

By adjudication order No. L-17012/83/2007-1 R(M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Shri Ramadhar Singh, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Ramadhar Singh, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief Sh Ramdhar Singh is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 37(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/78/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 37(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/78/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA.

Reference Case No. 37(C) of 2008

Between the Management of LIC of India Ltd., and their workman Shri Rajeshwar Prasad, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Patna, dated the 30th October, 2008

By adjudication order No. L-17012/78/2007-IR (M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India, Ltd., Patna and their workman Sri Rajeshwar Prasad, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Rajeshwar Prasad, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, what relief Shri Rajeshwar Prasad is entitled to ?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And this is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 36(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/77/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 36(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/77/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA.

Reference Case No. 36(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Shri Sonu Kumar, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Patna, dated the 30th October, 2008

By adjudication order No. L-17012/77/2007-IR (M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India, Ltd., Patna and their workman Shri Sonu Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Sonu Kumar,

working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not what relief Shri Sonu Kumar is entitled to ?”

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a “No dispute Award”.

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 35(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/76/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 35(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/76/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA.

Reference Case No. 35(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Shri Prem Chand, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna, dated the 30th October, 2008

By adjudication order No. L-17012/76/2007-IR(M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India, Ltd., Patna and their workman Sri Prem Chand, represented by B.M.S., Patna for adjudication to this Tribunal:

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Prem Chand, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, what relief Shri Prem Chand is entitled to ?”

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a “No dispute Award”.

3. And that is my Award.

V. ASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 34(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/75/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award [Ref. No. 34(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/75/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE**BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA.****Reference Case No. 34(C) of 2008**

Between the Management of LIC of India Ltd., Patna and their workman Shri Shambhu Nath Tiwari, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Patna, dated the 30th October, 2008

By adjudication order No. L-17012/75/2007-IR(M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India, Ltd., Patna and their workman Sri Sambhu Nath Tiwari, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Shambhu Nath Tiwari, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief Sh. Shambhu Nath Tiwari is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3309.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट

[संदर्भ सं. 40(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/81/2007-आई. आर. (एम)]
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 40(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 17-11-2008.

[No. L-17012/81/2007-IR(M)]
KAMAL BAKHRU, Desk Officer
ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD, PATNA.**Reference Case No. 40(C) of 2008**

Between the Management of LIC of India Ltd., Patna and their workman Shri Anirudh Kumar Singh, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Dated, Patna, the 31st October, 2008

By adjudication order No. L-17012/81/2007-IR(M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India, Ltd., Patna and their workman Sri Anirudh Kumar Singh; represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Anirudh Kumar Singh, working for a long period and not giving him regular status of a permanent worker is justified and legal? If not, what relief Sh. Anirudh Kumar Singh is entitled to?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently

a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And this is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3310.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट [संदर्भ सं. 38(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/80/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 38(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/80/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD,
PATNA.

Reference Case No. 38(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Shri Sanjay Kumar, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.

AWARD

Patna Dated, the 31st October, 2008

By adjudication order No. L-17012/80/2007-I. R. (M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes

Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India, Ltd., Patna and their workman Shri Sanjay Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the services of daily wage worker Shri Sanjay Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, what relief Shri Sanjay Kumar is entitled to ?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3311.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, पटना के पंचाट [संदर्भ सं. 33(सी)/2008] को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/79/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award [Ref. No. 33(C)/2008] of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/79/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD,
PATNA.

Reference Case No. 33(C) of 2008

Between the Management of LIC of India Ltd., Patna and their workman Shri Naresh Rajak, represented by B.M.S., Patna.

For the Management : Sri T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna**

AWARD

Patna Dated, the 29th October, 2008

By adjudication order No. L-17012/79/2007-I. R. (M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section-10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the management of LIC of India Ltd., Patna and their workman Sri Naresh Rajak, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the management of LIC of India, Divisional Office, Patna in not regularising the service of daily wage worker Shri Naresh Rajak, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, what relief Shri Sanjay Rajak entitled to ?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties, hence I hereby pass a "No dispute Award".

3. And this is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का.आ. 3312.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एल. आई. सी. आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय पटना के पंचाट (संदर्भ सं. 39(सी)/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/82/2007-आई. आर. (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central

Government hereby publishes the award (Ref. No. 39(C)/2008) of the Central Government Industrial Tribunal/Labour Court, Patna now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on 17-11-2008.

[No. L-17012/82/2007-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE THE PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, SHRAM BHAWAN, BAILEY ROAD,
PATNA**

Reference Case No. 39 (C) of 2008

Between the management of LIC of India Ltd., Patna and their workman Shri Vijay Kumar, represented by B.M.S., Patna.

For the Management : T. T. Mukherjee,
Representative of LIC.

For the Workman : Sri Murari Prasad,
Representative of BMS.

**Present : Vasudeo Ram, Presiding Officer,
Industrial Tribunal, Patna.**

AWARD

Patna, dated the 31st October, 2008

By adjudication order No. L-17012/82/2007-I. R. (M), dated 1-4-2008, the Government of India, Ministry of Labour, New Delhi, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called 'the Act' for brevity) has referred the following dispute between the (Parties) management of LIC of India Ltd., Patna and their workman Shri Vijay Kumar, represented by B.M.S., Patna for adjudication to this Tribunal :

"Whether the action of the Management of LIC of India, Divisional Office, Patna in not regularising the service of daily wage worker Shri Vijay Kumar, working for a long period and not giving him regular status of a permanent worker is justified and legal ? If not, what relief the Shri Vijay Kumar is entitled to ?"

2. Both the parties appeared on notice and filed statement of claim and the written statement. Subsequently a petition for withdrawal of the reference case has been filed on behalf of workman and moved. Under the circumstances I presume that now no dispute exists between the parties and hence I hereby pass a "No dispute Award".

3. And that is my Award.

VASUDEO RAM, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2008

का. आ. 3313.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओ. एन. जी. सी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ सं. आई डी सं. 69/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-11-2008 को प्राप्त हुआ था।

[सं. एल-30011/11/2003-आई आर (एम)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 18th November, 2008

S.O. 3313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of ONGC and their workman, which was received by the Central Government on 17-11-2008.

[No. L-30011/11/2003-IR(M)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AT HYDERABAD

Present : Sri Ved Prakash Gaur, Presiding Officer

Dated the 17th day of September, 2008

Industrial Dispute No. 69/2003

BETWEEN

The General Secretary,
ONGC Ltd., Contract Workers Union,
Adikarivari Street, Narsapuram,
West Godavari (A.P.)-534275 ...Petitioner

AND

The Additional Executive Director,
ONGC Ltd., Krishna Godavari Project,
Godavari Bhavan, Base Complex (A.P.),
Rajahmundry-534275. ...Respondent

APPEARANCES

For the Petitioner : M/s. G. Vidya Sagar, K. Udaya Sri,
P. Sudheer Rao & B. Shivakumar,
advocates.

For the Respondent : Sri K. Venkata Rao & G.
Ramasubba Rao, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-30011/11/2003-IR(M) dated 19-6-2003 referred the following dispute under Section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. ONGC Ltd., and their workman. The reference is,

SCHEDULE

“Whether Sh. S.V. Kumar & 6 others (as per the list annexed) working under Chaitanya Industrial Technical Cooperative Society Ltd., as to be regularised by the management of M/s. Oil & Natural Gas Corpn. Ltd., Krishna Godavari project, Rajahmundry as demanded by the ONGC, Technical Staff & Workers Union (affiliated to AITUC), Narsapur is legal and/or justified? If not, to what relief the union is entitled?”

The reference is numbered in this Tribunal as ID No. 69/2003 and notices were issued to the parties.

2. The Petitioner union filed claim statement stating that S. V. Kumar and 6 others were appointed and were working in the fire fighting section. Though they were working in the corporation, they were being treated as if engaged through cooperative societies viz., Godavari Industrial Workers Maintenance Service Cooperative Societies Ltd., Rajahmundry, Delto Industrial Technical Service Cooperative Society Ltd. Narsapur, Technical Industrial Service Cooperative Society, Rajahmundry, Chaitanya Industrial Service Cooperative Society Limited, Narsapur and Poornima Agencies, Rajahmundry. Their job is of perennial nature. It is submitted that in view of the prohibition of the contract labour in the fire fighting, driving, the applicants were re-designated as skilled in respect of drivers and semi-skilled, in turn they are deemed to be the employees of ONGC and entitled for all benefits attached to the post of fireman and drivers. Hence, prayed to direct the respondent to regularize the services of the seven workmen S/Sri, S. V. Kumar, M. Bhaskar Rao, S. Murali Krishna, E. Mohan Babu, V. S. Hari Babu, K. Madhava Rao and D. Sivaji.

2. The case has been posted for filing of counter and documents by the Respondent but the counsel for the Respondent filed memo, on 19-12-2003 stating that Hon'ble High Court of Andhra Pradesh stayed proceedings on the reference order. Now, today i.e., 17-9-2008 the counsel for the Respondent filed memo and relevant papers i.e., order of the Hon'ble High Court of Andhra Pradesh in WP No. 26280/2003 and WPMP No. 19746/2008 dated 16-7-2008 stating that the case is settled out of court and case may be closed. To that effect, the General Secretary of the Petitioner union also filed a memo case may be closed as withdrawn. Hence, the ID is closed as withdrawn as prayed.

Accordingly an Award is passed, Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this 17th day of September, 2008.

VED PRAKASH GAUR, Presiding Officer

Appendix of Evidence

Witnesses examined for the Petitioner	Witnesses examined Respondent
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NIL	NIL
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Documents marked for the Petitioner	
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NIL	
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Documents marked for the Respondent	
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NIL	
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नई दिल्ली, 19 नवम्बर, 2008

का.आ. 3314.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकॉम रेलवे इलेक्ट्रिफिकेशन के प्रबंधन के संबंध में उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (संदर्भ सं. सीजीआईटी/एनजीपी/114/04) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2008 को प्राप्त हुआ था।

[सं. एल-40012/167/90-आई आर (डी.यू.)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th November, 2008

S.O. 3314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/NGP/114/04) of the Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom Railway Electrification and their workman, which was received by the Central Government on 19-11-2008.

[No. L-40012/167/90-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

CASE NO. CGIT/NGP/114/04

Dated the 6th November, 2008

Petitioner/Party No. 1 : Shri Haribhau Wamanrao
Mule, Mukkam at Pungla,
PO and Tal. Jinoor, Dist.
Parbhani (M.S.)

Versus

Respondent/Party No. 2 : The Divisional Engineer,
Telecom Railway
Electrification Project,
Akola-444005.

AWARD

(Dated, the 6th November, 2008)

1. The Central Government after satisfying the existence of dispute between Shri Haribhau Wamanrao Mule, Mukkam at Pungla, PO and Tal. Jinoor, Dist. Parbhani (M.S.) (Party No. 1) and the Divisional Engineer, Telecom Railway Electrification Project, Akola-444005 (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-40012/167/90-IR(DU) dated 19-4-1991 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Telecom Railway Electrification, Akola in terminating the services of Shri Haribhau Wamanrao Mule is justified? If not, to what relief the workman concerned is entitled to?"

3. The reference came up for hearing on 5-11-2008 on which the Petitioner and his Counsel were absent. The Petitioner and his counsel were not attending the case since last more than one year. He has also not even filed workman affidavit. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date : 06-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2008

का.आ. 3315.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय भुवनेश्वर के पंचाट (संदर्भ सं. 360/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2008 को प्राप्त हुआ था।

[सं. एल-40012/55/2000-आई आर (डी.यू.)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 19th November, 2008

S.O. 3315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 360/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Bhubaneswar, as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom Department and their workman, which was received by the Central Government on 19-11-2008.

[No. L-40012/55/2000-IR(DU)]

AJAY KUMAR, Desk Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT,
BHUBANESHWAR

PRESENT:

Shri N. K. R. Mohapatra,
 Presiding Officer, CGIT-cum-Labour
 Court, Bhubaneswar.

Tr. Industrial Dispute Case No. 360/2001

Date of Passing Award-27th October, 2008

BETWEEN

The Management of (1) The Sub-Divisional Officer
 (Phones), Telecom Deptt. Angul.

(2) The Telecom Distt. Manager, Telecom
 Department, Dhenkanal.

(3) The Chief General Manager (T), Telecom Deptt.,
 Orissa Circle, Bhubaneswar, (Orissa), 751001.

Ist Party-Managements.

AND

Their Workman represented through the
 The President, Orissa Door Sanchar
 Astai Mazdor Sangh (BMS), Sector-A,
 219, Mancheswar Industrial Estate,
 Bhubaneswar, Orissa-751001.

IInd Party-Union

APPEARANCES

Shri S.S. Ray	:For the 1st party-
SDO (Phones), Angul		Management No. 1 & 3
Shri L. K. Sahoo	:For the 1st Party-
S.D.E. Dhenkanal.		Management No. 2
Shri K. C. Rout	:For the 2nd Party-
General Secretary		Union.

AWARD

The Government of India in the Ministry of Labour,
 in exercise of powers conferred by clause (d) of sub-section
 (1) and sub-section 2(A) of Section 10 of the Industrial
 Disputes Act, 1947 (14 of 1947) have referred the following
 disputes for adjudication vide their Order No. L-40012/55/
 2000/IR(DU), dated 30-05-2000.

"Whether the action of the SDO(T), Angul by
 terminating the services of the disputant, Sh.
 Minaketan Sahoo and not paying differential wages
 as per DoT guidelines is legal and justified? If not,
 to what relief the disputant is entitled?"

2. It is alleged by the workman in his claim petition
 that he was appointed as a temporary telegraph Messenger
 on 1-1-1995 in the newly established District Telegraph
 Office at Angul and was paid at the rate of Rs. 20 per day.
 Even though he worked continuously since that day, the

Management despite his representation, did not pay the
 minimum wages as per the Department of Telecommuni-
 cation guidelines and on the other hand terminated him
 from service on 29-6-1999 without any terminal benefits.
 Challenging the above termination the workman raised an
 Industrial Disputes before the Asstt. Labour Commissioner
 (Central) resulting the same in the reference.

3. All the Managements in their single written
 statement contended that when the establishment of the
 District Telecom Officer came into being at Angul on
 1-5-1995 no Telegraph man was readily available to
 distribute the telegrams. Besides in view of the recruitment
 restrictions no regular appointment could also be made
 to meet the immediate requirement. As a result, the
 workman and few others were engaged to distribute the
 telegrams on a daily wage of Rs. 20/- per day as and when
 required as agreed by them. Subsequently on the posting
 of regular staff the workman and others were not called
 upon to distribute the telegrams. In the above back-ground
 it is pleaded that since the workman had not continuously
 worked for 240 days he was not entitled to get higher
 wages as per the Department of Telecommunication
 circular. It is further contended that the engagement of
 the workman not being continuous but intermittent, his
 non-engagement on posting of regular staff does not
 amount to retrenchment to attract Section 25-F of the
 Industrial Disputes Act.

4. On the pleadings of the parties the following three
 issues were framed.

ISSUES

1. Whether the reference is maintainable?
2. Whether the action of the SDO(T), Angul, by
 terminating the services of the disputant, Shri Minaketan
 Sahoo and not paying the differential wages as per DoT
 guidelines is legal and justified?
3. If not, to what relief the disputant is entitled?
5. During trial the workman did not take any step
 continuously for years together for which he was set
 exparte and the exparte evidence of the Management was
 recorded.

ISSUE No. 1, 2 & 3

6. All these issues are taken up together for the
 purpose of convenience.

The evidence adduced by the Management Witness
 Shri Sidratha Sekhar Roy, S.D.O. (Phones), Angul shows
 that when the telegraph office at Angul came into being on
 1-5-1995 no sub-staff was available to work as Grade-C
 & D employees. No such sub-staff could also be recruited
 immediately in view of the recruitment restrictions. To meet
 the exigencies the workman and few other persons were
 entrusted to distribute telegrams on receipt of Rs. 20/- per

day as agreed by them. His evidence further shows that the workman had never worked continuously in any capacity during 1-5-1995 to 25-2-1999. To controvert his above evidence no documents was been made available from the side of the workman. Hence it is held that there is no merit in the claim of the workman.

7. Accordingly the reference is answered in negation.

N. K. R. MOHAPATRA, Presiding Officer

LIST OF WITNESSES EXAMINED ON BEHALF OF THE 2ND PARTY-UNION.

The 2nd Party-Union has not examined a Single Witness.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 2ND PARTY-WORKMAN.

The 2nd Party-Union has not exhibited a single document.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE 1st PARTY-MANAGEMENT No. 1

M.W.-1 Shri Sidhartha Sankar Ray.

LIST OF DOCUMENTS EXHIBITED ON BEHALF OF THE 1st PARTY-MANAGEMENT No. 1

The Management No. 1 has not exhibited a single documents.

नई दिल्ली, 19 नवम्बर, 2008

का. आ. 3316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. अल्टीलिया एअरलाइंस के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय संख्या नं. 2, नई दिल्ली के पंचाट (संदर्भ संख्या 71/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19-11-2008 को प्राप्त हुआ था।

[सं. एल-11012/84/98-आई. आर. (सी-1)]

स्नेह लता जवास, डेस्क अधिकारी

New Delhi, the 19th November, 2008

S.O. 3316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 71/1999) of the Central Government Industrial Tribunal/Labour Court No. 2, New Delhi now as shown in the annexure in Industrial Dispute between the employers in relation to the management of M/s. Alitalia Airlines and their workman, which was received by the Central Government on 19-11-2008.

[No. L-11012/84/98-IR(C-1)]

SNEH LATA JAWAS, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, RAJENDRA BHAWAN, GROUND FLOOR, RAJENDRA PLACE, NEW DELHI

15th October, 2008

I. D. No. 71/1999

Ref No. L-11012/84/98-IR-C-I dt. 9-3-1999

In the matter of dispute between :

Sh. Shivaji Guha

... Workman

Versus

M/s. Alitalia Airlines

... Management

CORRIGENDUM

1. That on page-1, in the title of the parties and terms of reference the name of the respondent Company ATLANTIA, be read as ALITALIA.

2. That in page-1 in the Last para end of the second line after the words "That the" and before the Word Services, the words Termination of, is to be inserted.

3. That in the middle of second para at page-9,—"it is denied that the claimant is Not entitled to reinstatement in Job with full back wages or any other benefits or other Compensation or damages. The word Not is to be omitted.

4. In the III-para from bottom of page-10 the Word 'Proceedins' be read as PROCEEDINGS.

5. Wherever the date of Settlement on page 11 & 12 mentioned as 13-5-1993 be read as 31-5-1993.

C. K. SINHA, Secy. to the Court

नई दिल्ली, 20 नवम्बर, 2008

का. आ. 3317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बोम्बे मरकेनटाईल को बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण मुम्बई नं.-2 के पंचाट (संदर्भ संख्या 52/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/247/2004-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 52/2005) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure,

in the Industrial Dispute between the management of Bombay Mercantile Co-operative Bank Ltd., and their workmen, received by the Central Government on 20-11-2008.

[No.L-12012/247/2004-IR(B-1)]
AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : A. A. Lad, Presiding Officer.

Reference No. CGIT-2/52 of 2005

Employers in Relation to the Management of
Bombay Mercantile Co-Operative Bank Ltd.

The Managing Director,
Bombay Mercantile Co-op, Bank Ltd.,
89, Mohammed Ali Road, 3rd floor
Mumbai-400 003.

And

Their Workmen

Shri S.U. Meer,
A/302, Asmita Shivan Co-operative Housing Society
Ltd.,
Naya Nagar, Mira Road, Distt. Thane,
Pin-401 107.

APPEARANCES

For the Employer : Mr. B.D. Birajdar,
Advocate.

For the Workmen : In person.

Mumbai, dated 7th October, 2008

AWARD

1. The Government of India, Ministry of Labour, by its Order No. L-12012/247/2004 [IR (B-1)] dated 07/11-02-2005 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Dispute Act, 1947 have referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of Bombay Mercantile Co-op. Bank Ltd., Mumbai in discontinuing the services of Shri S.U. Meer, Typist-cum-Clerk w.e.f. 28-01-2003 by accepting the alleged conditional resignation dated 28-01-2003 vide order dated 6-7-2004 is legal, proper and justified? If not to what relief, the concerned workman is entitled to?”

2. In support of the subject matter referred in the reference, second party filed claim statement at Ex-10 which was replied by first party by submitting written statement at Ex-12. Then rejoinder was filed by second party at Ex-13 and matter was posted for framing of issues.

3. Meanwhile by application Ex-15, first party Bank drew attention of this Tribunal towards the jurisdiction of this Court by referring decision of Apex Court given in Bharat Co-op. Bank (Mumbai) Ltd. V/s. Co-operative Bank Employees Union published in 2007 II CLR SC page 160 where Apex Court observed that, State Government is appropriate Government and not Central Government in cases of Co-operative Banks. It was replied by the second party by filing reply at Ex-16.

4. By this application, first party request to consider the decision of Apex Court given in Bharat Co-Bank (Mumbai) Ltd. V/s. Bank Employees Union stating that, in the said Judgement, Apex Court observed, State Government is appropriate Government and not Central Government. When Central Government is no appropriate Government, it has no power to refer the subject matter of the reference to this Tribunal and this Tribunal cannot decide the dispute as it cases its jurisdiction by virtue of judgement published in 2007 II CLR 160. The reply given by second party Ex-16 is not drawing any meaning and pointing any case to support his stand. Just it is a printed writing without any meaning and without saying any thing about the decision of Apex Court and how said decision is not applicable to his case.

5. Admittedly, first party is a Co-operative Bank registered under Co-operative Societies Act. Since it is a Co-operative Bank and registered under Co-operative Society and though it has number of branches like Bharat Co-op. Bank, involved in the judgement (*supra*) in that case also State Government is declared as the appropriate Government and not Central Government. When Central Government is not appropriate Government and State Government is, definitely Central Government cannot make reference of subject matter involved to this Tribunal as this Tribunal ceases its jurisdiction by virtue of the decision of Apex Court given in Bharat Co-operative Bank (*Supra*). When Central Government has no jurisdiction, I am of the opinion that, this Court cannot entertain the subject matter of the reference as well as adjudicate it and given verdict on it. As this Court ceases jurisdiction over the subject matter by virtue of judgement given by Apex Court published in 2007 II CLR 160 while deciding case of Bharat Co-operative Bank V/s. Co-operative Bank Employees Union, I conclude that, this Tribunal has to dispose of the reference in that light. Hence the order :

ORDER

- (i) Reference is disposed of for want of jurisdiction of the Tribunal.
- (ii) Parties to take note of it and aggrieved party may approach proper forum for its redressal.
- (iii) No order as to costs.

Date : 07-10-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2008

का. आ. 3318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14), की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकाता के पंचाट (संदर्भ संख्या 39/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12011/55/2003-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 39/2004) of Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India, and their workmen, received by the Central Government on 20-11-2008.

[No. L-12011/55/2003-IR(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

Reference No. 39 of 2004

Parties : Employers in relation to the management of State Bank of India, Local Head Office

And

Their workmen.

Present : Mr. Justice C.P. Mishra, Presiding Officer

APPEARANCE

On behalf of the : Mr. K. Ghosh, Chief Manager, Management

On behalf of the : Mr. S. Khan, Deputy General Workmen Secretary of the Union.

Industry : Banking

Dated : 11th November, 2008

AWARD

By Order No. L-12011/55/2003-IR (B-1) dated 14-09-2004 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication :

“Whether the action of the Management of State Bank of India, Local Head Office, Calcutta by not

considering the Sweeper-cum-Farash eligible for Overtime wages in terms of Clause 10.13 is justified? If not, what relief the workmen are entitled to?”

2. This reference has been made at the instance of State Bank of India Staff Association, hereinafter to be referred as the Union. The case of the Union in short is that S/Shri Gautam Lal Ram, Sumanta Mali, Sree Ram Gharami, Sunil Kumar Balmiki, Rajendra Lal Hela and Panchu Ram were appointed/engaged as Sweeper-cum-Farash and their duty hours till 30-11-1998 were as follows :

Monday to Friday : 7 A.M. to 10.30 A.M. & 3 P.M. to 7.30 P.M. 8 hours per day.

Saturday : 7 A.M. to 10.30 A.M. & 1 P.M. to 5 P.M. 7-1/2 hours per day.

From 01-12-1998 to 25-09-1999 their duty hours were as follows :

Monday to Friday : 7 A.M. to 3 P.M. for 8 hours..

Saturday : 7 A.M. to 12 noon for 5 hours.

Ultimately, when the matter was represented to the management, duty hours were regularized as per provisions of Bipartite Settlement of 1967 and their duty hours have been fixed as follows:

Monday to Friday : 7 A.M. to 2.30 P.M. for 7 1/2 hours. (inclusive of 1/2 hour recess).

Saturday : 7 A.M. to 11.30 A.M. for 4½ hours.

According to the Union the working hours of members of Award Staff have been fixed on the basis of the Award and Bipartite Settlement dated 31-03-1967 which provides working hours for all subordinate staff except watch and ward staff and drivers as 7 hours exclusive of ½ hour recess on weekdays and 4 ½ hours for Saturdays. It is pointed out that in terms of Clause 10.13 of the Bipartite Settlement dated 31-03-1967 the workmen engaged in domestic service at the office and residence of the officers of the Bank and not exclusively at the residence of the officers will be governed by the provisions regarding working hours and overtime. It is further pointed out that as per para 10.46 clause (5) of the Desai Award “Part-time employees as well as member of watch and ward staff, Bank employees engaged in domestic service, gardeners, godown-keepers engaged solely for that work other than those required to remain in attendance of the Bank during office hours are excluded from the scope of hours of work and overtime.” Therefore, the Sweeper-cum-Farashes who were in the attendance of the Bank during office hours

were overutilised by the Bank for ½ hours on weekdays and for 3 hours on Saturdays from the date of their respective appointment/engagement till 30-11-1998. Between 1-12-1998 and 25-09-1999 these were also overutilised for ½ hour per day on all working days. As such these workmen are justifiably and rightfully eligible for overtime wages. It is claimed that in the present case the Sweeper-cum-Farashes at Kolkata Local Head Office were made to work by the Bank on all Saturdays for 7 ½ hours violating the provisions of W.B. Shops and Establishment Act, 1983 which defines a 'half day' as a period of 5 hours and these workmen are rightfully eligible for 3 hours overtime wages for their overutilisation on Saturdays till 30-11-1998. These workmen are also claimed to be eligible for ½ hour's overtime wage per working day from 1-12-1998 to 25-09-1999. In this connection it is pointed out on behalf of the workmen that in 1986 the management of Kolkata Local Head office of the Bank had paid such overtime wages to the Sweepers/Sweeper-cum-Farashes at the said office absorbed permanently in the Bank's service from the position of contractor labourers working under M/s. Clearers India in the month of August, 1983 who were utilized for additional half hour over and above the stipulated duty hours. Union relied upon two debit vouchers to support the same. It is accordingly prayed that the claim of the workmen be granted the reference be answered in favour of the workmen.

2. The management of State Bank of India, hereinafter to be referred as the Bank has filed a written statement denying the claims made on behalf of the workmen and it has also challenged the reference itself as not maintainable. The case of the Bank is that the duty hours of award staff have been fixed on the basis of awards and also bipartite settlement dated 31-03-1967. The said settlement does not lay down the duty hours of Sweepers and in fact in terms of clause 10.12 of the same they are excluded from the scope of provisions regarding working hours and overtime as contained in the settlement. As regards Sweeper-cum-Farash it is a combined designation given to a Sweeper so as to utilize his services in the best possible way and this does not lead to any change in the service conditions. As regards Clause 10.13 of bipartite settlement of 1967, paragraph 10.46 clause (5) of Desai Award it is stated that the same are not relevant and applicable to the present case. Further, paragraph 304(9) of Sastry Award as retained by Desai Award provides that direction regarding working hours shall be subject to the provisions of the Local Shops and Establishment Act which provides that no person shall be required to work for more than 8 ½ hours on any day or 48 hours in a week. In the present case the duty hours of Sweepers/Sweeper-cum-Farash were 45 hours per week prior to September, 1999 and therefore the above provision was not at all violated. According to the Bank the revised

duty hours w.e.f. 27-09-1999 is in the nature of mutually agreed concession and not a correction and the concerned category of workmen and the union have accepted this position for a long time acquiescing their right to claim contrary to it. It is alleged that the present claim for overtime is an afterthought and has no merit. It is stated that in terms of Desai Award and bipartite settlement combined designations can be given to the subordinate staff and such combined designation cannot be treated as an additional designation and by giving such combined designation to a Sweeper, the basic designation of Sweeper and the nature of work is not changed. It is further stated that the concerned workmen had not worked excess to the stipulated working hours prior to 27-09-1999 and as such the question of payment or overtime to them does not arise at all. It is pointed out that a similar demand was raised by the representative of the union for payment of overtime wages to 20 Sweepers working at Overseas branch Kolkata before the Central Government Labour Court, Kolkata wherein it was held that the applicants shall not be entitled to any relief. It is thus stated that the claim for payment of overtime wages to the concerned workmen is frivolous, after thought and not maintainable and the same is liable to be dismissed with cost.

3. A rejoinder is also filed on behalf of the workmen denying the contentions of the management as made in its written statement and also reiterating their claims and contentions as already made in the statement of claims.

4. Both the parties have examined one witness each. WW-1, Bishnu Pramanick is the witness on behalf of the workmen. He has stated in his evidence that he joined the Bank in the year 1983. At that time their duty hours were for 8 hours and in such fashion they worked for two months, i.e., September and October, 1983, but from 1st November, 1983 it was change to 7½ hours. They got overtime payment for working half an hour extra during the period. In cross-examination the witness has stated that they told the union that they are duty hours should be less. At that time the strength of Sweepers were 22 and all those 22 workmen had been working for 8 hours a day. Regarding overtime it is stated by him that he received the same through vouchers. He, however, could not remember the total amount of overtime received by him, nor he could remember whether all the 22 workmen were paid overtime or not.

5. MW-1, Subrata Mallick is the sole witness for the Bank. He has stated in his evidence that he knew the concerned employees in this reference. There is no fixed working hours for the Sweeper-cum-Farash, nor there is any difference of work between the Sweeper and Sweeper-cum-Farash. Maximum working hours of Sweepers per

week is 48 hours and 8½ hours per day under the Shops & Establishments Act and the concerned workmen never worked for more than 48 hours in a week. They are required to work 45 hours per week. He has also stated that the union approached the Bank management for reduction of working hours by application dated 23rd August, 1999 and the management considered the same and reduced the working hours by half an hour by letter dated 22nd September, 1999. There is no question of payment of overtime till 22nd September, 1999. He has further stated that there was a similar case in which the claim for overtime was rejected by the Central Government Industrial Tribunal. According to him bipartite agreement fixing hours of work and hours of overtime is not applicable to the Sweeper and Sweeper-cum-Farash. In cross-examination the witness has stated that there is no question of regularization of working hours of the Sweepers or Sweeper-cum-Farashes, but their working hours were revised as per request of the Association on the basis of mutual agreement at local level. He, however, could not file such local agreement although opportunity was given to him for the same. He has denied that the Sweeper or Sweeper-cum-Farashes were over utilized beyond their stipulated working hours. He has also denied that the Sweeper-cum-Farashes had fixed duty hours or that they are entitled to overtime wages.

6. Some documents have been exhibited on behalf of both the parties. Out of the documents exhibited on behalf of the workmen Ext. W-1 is a memorandum of the Bank issued to Shri Gautam Lal Ram, Sweeper-cum Farash confirming him in service w.e.f. 27-01-1990. Ext. W-1/1 another memorandum dated 9-6-1995 of the Bank issued to Shri Susanta Mali, Sweeper-cum-Farash regarding his conversion and transfer. Ext. W-2 is a letter of the Bank dated 25-8-1995 to Shri Sriram Gharami, Sweeper-cum-Farash regarding his date of increment. Ext. W-3 is also a letter of the Bank dated 21-6-1995 issued to Shri Sunil Kumar Balmiki, Sweeper-cum-Farash regarding his conversion and posting. Ext. W-4 is a memorandum of the Bank dated 3-7-1996 addressed to Shri Rajendra Ram Hela, Sweeper-cum-Farash regarding his posting. Ext. W-5 is also a similar memorandum dated 26-7-1996 issued to Shri Panchu Ram, Sweeper-cum-Farash. Ext. W-6 and W-6/1 are the debit vouchers dated 8-10-1986 and 7/8-10-1986 for payment to different persons. Ext. W-7 is a letter dated 4-4-1997 of the General Manager (D&PB) of the Bank addressed to the Deputy General Manager, Zonal Office, Kolkata and Deputy General Manager (Commercial Network) of the Bank regarding revised norms for sanction of general attendant (Sweeper-cum-Farash). Ext. W-8 is Page No. 309 of Desai Award.

On the other hand the documents exhibited on behalf of the management are Ext. M-1 is the order of the

Bank dated 22-9-1999 regarding duty hours of Sweepers/Sweeper-cum-Farash, Ext. M-2 is the letter of the Secretary of the union dated 23-08-1990 addressed to the Bank regarding duty hours for Sweepers/Sweepers-cum-Farash and Ext. M-3 is order dated 11-1-1999 of the Central Government Labour Court, Kolkata in LC No. 3 of 1996.

7. On the perusal of the aforesaid facts it is evident that the claim of the workmen concerned relate to their eligibility for overtime wages in terms of Clause 10.13 of bipartite settlement of 1967 as their duty hours has been more than the duty hours which they were supposed to do as Sweeper-cum-Farash in the office of the Bank. According to them duty hours have been fixed on the basis of the Award and bipartite settlement dated 31st March, 1967 which provides working hours for the subordinate staff. The concerned workman who were appointed as Sweeper-cum-Farash as per facts mentioned in their settlement of claims to show that they were engaged for their duty hours 8 hours per day till 30th November, 1998 as per details given therein. From 1st December, 1998 to 25th September, 1999 similarly their duty hours was for 8 hours from Monday to Friday and for 5 hours on Saturday in this regard. It is, therefore, submitted on their behalf that the concerned workman as Sweeper-cum-Farash were in the attendance of the Bank during office hours were over utilised by the Bank for ½ hour on week days and 3 hours on Saturdays from the date of their respective appointment/engagement till 30-11-1998. As such all these workmen are said to have been over utilised by the Bank for the said period and therefore, they are legally and justifiably eligible for overtime wages in this regard. It is also submitted that the management of Kolkata Local Head Office of the Bank had paid overtime wages to them in the month of August, 1983 when they were overutilised for additional ½ hour over and above the stipulated duty hours in this connection. They have based their claim on the basis of the debit vouchers filed by them.

8. Management, however, has denied and challenged the aforesaid claim and contention of the workman by submitting that the duty hours of the staff have been fixed on the basis of the awards and also bipartite settlement dated 31st March, 1967 which does not lay down the duty hours applicable to Sweepers in terms of Clause 10.12 of the same as they are excluded from the scope of provisions regarding the working hours and overtime as contained in the settlement. So far as Clause 10.13 of the bipartite settlement of 1967 and paragraph 10.46, Clause 5 of Desai Award is concerned, it is neither relevant nor applicable to the case of the workmen concerned. It also referred to paragraph 304.9 of Sastri Award regarding working hours which is to be in conformity with the provisions of the local Shops &

Establishments Act only providing that no person shall be required to work for more than 8½ hours a day or 48 hours in a week which in the case of the concerned workmen has not been violated at all. So far as the revised duty hours with effect from 27th September, 1999 referred to above on behalf of the workmen is in the nature of mutually agreed concession and no legal effect can be given to it to consider the claim of the workmen in this regard.

9. In view of these facts and claim and contention of either side it is evident that both the sides have relied upon the provisions of the bipartite settlement dated 31st March, 1967 so far as the duty hours are concerned. The only point of difference is that according to the management the Sweeper-cum-Farashes have no fixed duty hours as per paragraph 10.46 of Clause 5 of Desai Award. Clause 10.13 is not relevant as it is only applicable to the workmen engaged in domestic service both at the office and at residents of the officers. It has also quoted the earlier dispute on similar demands raised for payment of overtime wages to 20 Sweepers working at Overseas Branch, Kolkata vide Ext. M-3 whereby the workmen concerned were held to be not entitled to any relief for payment of any such overtime by the Central Government Labour at Kolkata under Section 33C(2) of the Act.

10. The documents filed and the evidence led on either side, however, come to show that the workmen concerned admittedly had worked as full time Sweeper-cum-Farash in the office of the Bank and were not working at the residence of the officers. They have also fixed working hours in the Bank and fixing of duty hours of part-time Sweeper-cum-Farash etc. is calculated on the basis of fixed working hours. The Xerox copy of the letter of the Bank dated 4th April, 1997, Ext. W-7 itself goes to show that the Bank had issued guidelines for revised norms of general attendant to Sweeper-cum-Farash also regarding the required working hours for necessary payments to be made to them in this connection. It is also evident that Clause 10.13 of first bipartite settlement itself goes to show that the Sweepers who are not engaged by the Bank exclusively at the residence of the officers are governed by the provisions regarding working hours and overtime as per Clause 10.2(c) of the said settlement. In fact, the domestic servants who are required to work unlike the concerned workmen who are working in the office may be required to work in the residence of higher officials of the Bank generally having got the flexible working hours to suit the convenience of the higher officials of the Bank, but the Sweepers who are not engaged as such by the Bank exclusively at the residence of the officials and who are in the attendance of the Bank during office hours are in fact governed by the provisions of Clause 10.13 and as such within the scope

of fixed working hours and overtime wages. The provisions in paragraph 10.46, Clause 5 of Desai Award refers to the part-time employees of the Bank engaged in domestic service, other than those who are required to remain in attendance of the Bank during office hours, who are, therefore, excluded from the scope of hours of work and overtime. The claim of the workmen as such is not at par with them as they were not engaged by the Bank exclusively at the residence of the officers, but they were very much in the attendance of the Bank during the period of their working at the office itself in this regard when their services were overutilised, over and above the stipulated duty hours. This also gets support from the fact that such Sweeper-cum-Farash who were also utilised for additional ½ hour and above the stipulated duty hours from September, 1983 to October, 1983 had been paid overtime by the Bank itself. This gets further support from the fact that on representation made on behalf of the workmen concerned, the duty hours of all the Sweeper-cum-Farash were regularized after 27th September, 1999 as per provisions laid down about the fixed duty hours in Clause 10.2 of the bipartite settlement dated 31st March, 1967 referred to above. It cannot be said to be a mutually agreed concession, but it had been arrived at by the Bank to comply with the relevant provisions of bipartite settlement dated 31st March, 1967. Therefore, any work which the Bank had availed in excess of the fixed duty hours for the period so claimed by the workman as per Annexure-D. This itself goes to show the justification of the claim of the workmen for overtime wages which they are legally entitled to get from the managements in this regard. There is no challenge to the factual aspects of the said duty hours of work as shown in Annexure-D except the legality of the claim so admissible to them. Therefore the claim for overtime wages in terms of Clause 10.13 of the bipartite settlement dated 31st March, 1967, as prayed by them for the aforesaid period for which they were overutilised by the Bank over and above their stipulated duty hours deserves to be allowed.

II. The action of the management of State Bank of India, Local Head Office, Kolkata by not considering the Sweeper-cum-Farash eligible for overtime wages in terms of Clause 10.13 is accordingly held to be illegal and unjustified. The concerned workmen are entitled to the overtime wages as mentioned in Annexure-D to the statement of claims of the workmen and they are as such be paid the amount so admissible to them under rules for payment of such overtime.

This is my Award.

Kolkata,

The 11th November, 2008.

C.P. MISHRA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाईफ इश्योरेंस को. आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नागपुर के पंचाट (संदर्भ संख्या 66/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-17012/17/2004-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.66/2005) of Central Government Industrial Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the Management of Life Insurance Corporation of India, and their workmen, received by the Central Government on 20-11-2008.

[No.L-17012/17/2004-IR-(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE

**BEFORE SHRI A. N. YADAV, PRESIDING OFFICER,
CGIT-CUM-LABOUR COURT, NAGPUR**

Case No. CGIT/NGP/66/05

Date: 06-11-2008

Petitioner/Party No. 1 : The General Secretary, Amravati
Division Insurance Workers Organisation,

C/o L.I.C. of India, Divisional Office, Amravati

on behalf of Shri Sudhir Digamber Mendhe

versus

Respondent/Party No. 2 : The Senior Divisional
Manager,

Life Insurance Corporation of India, Divisional Office,

Amravati

AWARD

(Dated : 6th November, 2008)

1. The Central Government after satisfying the existence of dispute between The General Secretary, Amravati Division Insurance Workers Organisation, C/o L.I.C. of India Divisional Office, Amravati on behalf of Shri Sudhir Digamber Mendhe (Party No.1) and the Senior Divisional Manager, Life Insurance Corporation of India,

Divisional Office Amravati. (Party No. 2) referred the same for adjudication to this Tribunal vide its letter No. L-17012/17/2004-IR (B-1) dated 08-08-2005 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947) with the following schedule.

2. "Whether the action of the management of Life Insurance Corporation of India in relation to Amravati Division under Western Zone through the Zonal Manager, Western Zone, Mumbai and Divisional Manager Amravati is justified in denying promotion to the workman Shri Sudhir Digamber Mondhe, Stenographer to the post of H.G.A. (Steno) especially when majority of the Divisional Manager in LIC of India in different divisions Western Zone have been provided H.G.A. (Steno) as personal Assistant? If not, to relief the said workman is entitled to ?"

3. The reference came up for hearing on 05-11-2008 on which the petitioner and his Counsel were absent. The counsel for Respondent was present. The petitioner and his counsel are not attending the case since more than one year. the Petitioner has also not even filed affidavit. I do not think it proper to continue it on the same stage years together. It seems that the Petitioner is not interested in prosecuting the case. In the circumstances, no purpose will be served in continuing the case, hence it dismissed for the default of the Petitioner and pass the negative award that he is not entitled for any relief.

Date:06-11-2008

A. N. YADAV, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 66/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/156/1997-आई आर (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.66/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the Management of, Federal Bank Ltd., and their workmen, received by the Central Government on 20-11-2008.

[No.L-12012/156/1997-IR-(B-1)]

AJAY KUMAR, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM**

Present: Shri P.L. Norbert, B.A., L.L.B, Presiding Officer
(Friday the 5th day of September 2008/14th Bhadrapada 1930)

I.D. 66/2006

(I.D.33/1998 of Labour Court, Ernakulam)

Union : The General Secretary,
Federal Bank Staff Union,
Champion Buildings,
Bank Junction, Alwaye-
683101.

By Adv. Sri. Ashok B.
Shenoy.

Management : The Chairman, Federal
Bank Limited, Head Office,
Alwaye.

By Adv. M/s. B.S. Krishna
Associates.

This case coming up for hearing on 26-08-2008, this Tribunal-cum-Labour Court on 05-09-2008 passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act. The reference is :

“Whether the action of the management of M/s. Federal Bank Ltd. in inflicting the punishment of withholding one annual increment with cumulative effect in respect of the workman Sri.K.J.Thomas, Clerk for certain allegations is justified?”

2. The facts of the case in brief are as follows:- Sri.K.J. Thomas was a Typist/Clerk of Federal Bank. While he was working in Girinagar branch, Ernakulam he was served with two charge sheets dated 10-02-1994 and 07-04-1994 respectively. As per first charge sheet the allegation is that he had failed to present for clearing a demand draft for Rs. 1,00,000 entrusted to him by the Branch Manager on 24-01-1994. When the customer approached the bank to withdraw some amount from her account and presented a cheque on 27-01-94 the draft was not seen or presented for clearing. The workman had failed to keep proper custody of the draft and failed to obey the instructions of the manager. As per the 2nd charge the allegation is that he refused to accept a cheque given for collection by customer K.J.Mathai on 22-02-1994 and directed the customer to the Branch Manager. On the same day another customer had deposited a cheque for Rs.5,000 and was

accepted by the workman. But the Cheque was missing. A joint enquiry into the charges was conducted. The workman was found guilty of the charges except the transaction relating to cheque of Sri.K.J.Mathai. The disciplinary authority imposed the punishment of stoppage of one increment with cumulative effect. The workman filed an appeal, but did not succeed.

3. According to the union the charges were vague. There were no materials sufficient to enter a finding against the workman. The findings are perverse and entered on mere conjectures and surmises. The punishment imposed is bad, illegal and excessive.

4. According to the management the enquiry was conducted complying with the principles of natural justice. The workman was represented by an Advocate. The workman fully participated in the enquiry. All management witnesses were cross examined. Sufficient opportunity was given to the workman to adduce evidence on defence side. The Enquiry Officer recorded the findings against the workman based on evidence. After hearing the workman the disciplinary authority imposed the punishment. However the workman filed an appeal which was rejected. There is no reason to reduce the punishment or interfere with the findings.

5. In the light of the above contentions the following points arise for consideration.

1. Are the findings sustainable?
2. Is the punishment proportionate?

The evidence consists of Ext.M1 enquiry file alone.

6. **Point No.1:-** Exts.ME-2 and ME-15 are charge sheets. As per Ext.ME-2 charge sheet dated 10-2-1994 the charge is that one Smt. Daisy Paulose W/o. an N.R.I Customer had been to bank on 24-01-94 in the evening and handed over a demand draft for Rs.1,00,000 to the Branch Manager, Girinagar for collection and credit to her S.B. account. Since the account holder was an important customer of the bank the Manager himself had prepared pay-in-slip and personally entrusted the draft to the workman who was in charge of clearing section for collection. The workman was specifically instructed to present the draft for clearing on the next day itself. The customer visited the bank again on 27-01-94 for withdrawing an amount of Rs. 35,570 and presented a cheque. It was then noticed that there was shortage in balance in the account of the customer. On enquiry the Manager came to understand that the draft was not presented for clearing either on 25-01-1994 or even on 27-01-1994. It was not entered in the clearing register. The Manager had to satisfy the customer by passing a temporary over draft. Meanwhile the staff of the bank searched for the draft and traced out the draft from the

filing tray of the Deputy Manager. Immediately the draft was discounted and credited in the account of the customer. The draft was deliberately removed by the workman to create misunderstanding between the customer and the Manager. The conduct of the workman is willful insubordination, disobedience of reasonable order of the superior and is an act prejudicial to the interest of the bank.

7. As per charge sheet Ext.ME-15 dated 07-04-94 there are two charges. The first charge is that one Sri. K. J. Mathai had presented a cheque to the workman on 22-02-94. But the workman did not accept the cheque and directed him to the Manager. The Manager through section officer instructed the workman to receive the cheque. Thereafter the workman accepted the cheque. His conduct is prejudicial to the interest of the bank and amounts to disobedience to the lawful orders of superiors. The 2nd charge is that on the same day M/s. Regional Sports Centre had presented a cheque for Rs.5,000/- for collection to the workman, which was accepted by the workman, entered it in the clearing register and sent it to the concerned officer for his acknowledgment. That officer in the afternoon handed over all the outstation cheques for collection to the workman for preparing the collection memo. However the workman reported in the evening that the cheque of Sports Centre was missing. On verification it was found that the entry in the clearing register regarding the cheque of Sports Centre was scored out in such a manner that the details could not be read. This was done by the workman himself. The act of the workman is prejudicial to the interest of the bank and amounts to disobedience of the lawful orders of superiors.

8. To the memos of charges the workman submitted replies Ext.ME-3 and ME-17. He denies entrustment of a demand draft either on 24-01-94 or 25-01-94 by the Branch Manager and having given any instruction to him to send it for collection. He denies that he had removed the draft. In Ext.ME-17 he contends that he is being harassed by the management by issuing the charge sheet. He denies having received a cheque from M/s. Regional Sports Centre or having entered it in the clearing register.

9. Ext.ME-5 is copy of office order book. It shows that the workman was allotted duty in the clearing section from 03-01-94 onwards. Ext.ME-6 is copy of attendance register. It shows that on 24-01-1994 and 25-01-1994 he was present but on 27-01-94 he was absent. Ext.ME-7 is the counter foil of pay-in-slip dated 24-01-94 for Rs.1,00,000/- MW1 was the then Branch manager. He stated before the Enquiry Officer that the customer Smt. Daisy Paulose had approached him in his cabin on 24-01-94 and presented a demand draft for Rs.1,00,000/- She had some urgency to get the draft credited to her account. Since the customer was the wife of a N.R.I. account holder the

Manager himself prepared the pay-in-slip and he personally put the D.D. with pay-in-slip in the drawer of the worker and instructed him to present it for clearing on the next day itself. The counter foil of the pay in slip was handed over to the customer. On 27-01-94 the customer came to bank to withdraw Rs.35,570/- by presenting a cheque. She wanted to withdraw the money for the purpose of taking a draft for sending it to her daughter who was a student in Mangalore. However when the cheque was presented for encashment it was found that there was no clearing credit in the account of the customer. The concerned Clerk reported the matter to the Manager who verified the account and confirmed the insufficient balance. He enquired about the D.D. entrusted for collection on 24-01-94. But it was found that draft was not presented for collection nor recorded in the clearing register. The workman was on leave on 27-01-1994. Since the account holder was a substantial customer and was urgently in need of money for sending a draft to her daughter (a student in Mangalore) the Manager was obliged to the customer and hence allowed a temporary over draft. The staff of the bank searched for the D.D. and at last it was traced out from the filing tray of Deputy Manager. The seat of the Deputy Manager was behind the seat of workman. The Deputy Manager MW2 says that she had noticed entrustment of D.D. by the Manager to the workman on 24-01-1994. MW3 (Officer in charge of clearing section) was on leave on 24-01-1994 (as per ME-6 attendance register). But MW2 says that on 27-01-94 the bank manager had given a cheque for Rs.35,570/- drawn by Smt. Daisy Paulose for the purpose of passing the cheque and giving a draft for the amount. MW2 gave the cheque to the concerned section clerk. After sometime the clerk in the clearing section informed that there was no sufficient balance in the account to honour the cheque. MW2 verified the account and informed the matter to the Bank Manager (MW1). The Manager told MW2 that there should be enough credit in the account as a draft for Rs.1,00,000 was entrusted with the workman on 24-01-1994 for collection. The Manager verified and found that the draft was not yet presented for clearing. Hence the Manager allowed a temporary O.D. After sometime the draft was traced out from the Deputy Manager's filing tray. The Enquiry Officer found that the sequence of events speak for itself about the misconduct of the workman in disobeying the instructions of the Manager and negligence in dealing with customers draft. The customer had been to bank on 27-01-94 to withdraw some amount. Ext.ME-8 is the cheque drawn by Smt. Daisy Paulose for Rs. 35,570 on 27-01-94. There was no sufficient balance in the account which compelled the Manager to sanction a temporary over draft. Ext. ME-7 is the counter foil of pay-in-slip dated 24-01-94 in respect of D.D. for Rs.1,00,000. It reveals that a D.D. for Rs. 1,00,000 was presented to the bank for collection on 24-01-94. The draft was later traced out from the tray of Deputy Manager whose table was behind the table of the workman.

The workman was the clerk in the clearing section on 24-01-94 and 25-01-94. These circumstances together with the testimony of MW1 and MW2 prompted the Enquiry Officer to conclude that draft was entrusted with the workman on 24-01-94 by the Branch Manager, that the workman was negligent in keeping the draft safely and that he had disobeyed the instruction of Branch Manager to send the D.D. for collection.

10. However it was submitted by the learned counsel for the union that the circumstances do not conclusively prove the guilt of the workman. The best piece of evidence is the pay-in-slip of D.D. That is not produced and reported to be missing. The counter foil of the pay in slip Ext.ME-7 does not contain the signature of the customer, but only the handwriting of the Branch Manager who filled the slip. The customer is not examined. MW2 has not seen the entrustment of draft with the workman. MW3 was on leave on 24-01-94. Therefore according to the learned counsel for the union there is no evidence regarding entrustment of D.D. with the workman or removal of pay in slip by the workman.

11. MW1 admits that the customer had directly approached him with the demand draft. Since customer was the wife of an N.R.I. account holder and a substantial customer and D.D. amount was urgently required by the customer the Manager himself prepared the pay in slip and personally entrusted D.D. to the workman with instruction to present it for clearance on the next day itself. There is no procedural violation of Rules in preparing pay in slip by the Manager himself. The concerned clerk in the clearing section on 24-01-94 and 25-01-94 was the workman himself. Had the customer not been to bank on 24-01-94 with a D.D. there was no need for preparing a pay in slip (missing) or its counter foil (Ext.ME-7). If the Manager was negligent in entrusting the draft to the workman on 24-01-1994 there was no need for weaving a story of missing of demand draft and later tracing it out and in between allowing a temporary over draft to satisfy the client, followed by discounting of D.D. and crediting the amount to customer's account. Instead of making a fuss about D.D. transaction he would have quietly sanctioned a temporary over draft to pacify the customer. The manager has no motive in trapping the workman, though it has come out in evidence that relationship between Manager and the staff as a whole was not satisfactory. In the normal course, no other staff may notice what was being handed over to the workman by the Manager. Therefore the absence of any eye witness to the incident cannot be a reason to disbelieve the Manager (MW1). It was pointed out by the learned counsel for the workman that customer is a material witness and her non-examination affects the findings. The customer had not given a complaint. A customer may not like to be dragged to an enquiry especially when the interest of the customer was protected

by the bank. Disciplinary action is an internal matter of the bank with which the customer is not concerned, especially when it was initiated at the instance of the Branch Manager (Ext.ME1). It is no doubt true that pay in slip in respect of D.D. is not produced and is missing. But MWs.1 and 2 say that pay in slip is not given much importance by the bank as it is not treated as a voucher. But it is admitted by MW1 that it was filled up by him. Therefore the availability of pay in slip would not have made any significant change in the case. On the other hand the circumstance and evidence point the finger of guilt at the workman regarding D.D. episode (charge in Ext. ME2 charge sheet).

12. As per Ext.ME-15 charge sheet there are two charges. The Enquiry Officer found that a cheque presented by K. J. Mathai on 22-02-1994 was not accepted until he was instructed by the Manager. However since he complied with the instruction the Enquiry Officer exonerated him of that charge.

13. The 2nd charge is that a customer of the bank, M/s. Regional Sports Centre had presented a cheque for Rs 5,000/- on 22-02-94 for collection. It was accepted by the workman. Subsequently the cheque was found missing. MW3 is the officer who had passed the cheque and handed over the cheque along with other outstation cheques for collection to the workman on 22-02-1994. He says that though the workman had entered the cheque details in the clearing register Ext.ME-19 later the entries were scored out initially by drawing a single line and later by scoring out in an illegible manner. MW1 stated that it was done by the workman himself. In reply (Ext.ME-17) to the charge sheet the workman contends that he had not received a cheque from M/s. Regional Sports Centre on 22-02-94. He had entered the details of all other cheques received by him on that day in the clearing register except the disputed cheque. It is true that nobody has witnessed the act of scoring out the entry in the clearing register. But the workman being concerned clerk in the clearing section on 22-02-1994 and who had made entries in the clearing register he is bound to explain how and when it had happened. He cannot shirk off his responsibility by saying that he has not seen the incident. According to MW1 the cheque entrusted by the Regional Sports Centre was an outstation cheque and its details are not be entered in the clearing register. According to him if an entry is made in the clearing register not relating to clearing, it has to be scored out or else the clearing will not get tallied. MW3 the officer who passed the cheque says that the workman was the clerk in the clearing section as per office order Ext. ME-5. According to him the workman started changing the practice and procedure by entering details of outstation cheques in clearing register since 22-02-1994. This was against the procedure. When MW3 asked about it the workman answered that he wanted record regarding

outstation cheques and he would score out the entry at the end of the transactions. MW3 re-collects that on 22-02-94 the first entry in Ext. ME-19 clearing register was regarding the cheque of Regional Sports Centre. A single line was drawn over the entry initially. Thereafter it was scored out illegibly. He gave Ext. ME-18 report about the incident and missing of cheque to the Manager, Ext. ME-21 is the memorandum of instructions which says that when an entry in a register goes wrong it has to be scored out neatly. But when the writing is scored out illegibly the intention is that nobody shall read the inscription. The workman being the custodian of the clearing register at the relevant time he is bound to offer satisfactory explanation about the cancellation of the entry. It the said circumstances the Enquiry Officer found the workman guilty of the acts prejudicial to the interest of the bank and disobedience of the lawful and reasonable order of his superior. The findings are in no way perverse.

14. Point No.2:—The punishment imposed is withholding of one increment with cumulative effect. The learned counsel for the union was not able to point out any infraction of any provision of law in imposing the punishment. The punishment being not one falling within S.11-A of I.D. Act the power to interfere with the punishment is fettered. The misconduct found is a gross misconduct within Clause 19.5(e) and (j) of First Bipartite Settlement and the punishment imposed is a major punishment under clause 19.6 of the settlement. However it was contended by the learned counsel for the union that clause 19.6 (d) refers to only stoppage of increment without any qualification as to whether it is with or without cumulative effect, the Clause is to be understood only as stoppage of increment without cumulative effect. But it is to be noted that the misconduct under Clause 19.5(e) and (j) are gross misconduct. Therefore it is reasonable to presume that it is left to the discretion of the management to decide whether stoppage of increment should be with or without cumulative effect. Hence I find that there is no infringement of any provision of Bipartite Settlement. Therefore no interference is called for in the matter of punishment.

In the result an award is passed finding that the action of the management in inflicting the punishment of withholding of one annual increment with cumulative effect in respect of workman Sri.K.J.Thomas is legal and justified and he is not entitled for any relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 5th day of September, 2008.

P.L. NORBERT, Presiding Officer

Appendix

Witness for the union - Nil.
 Witness for the Management - Nil
 Exhibit for the workman - Nil
 Exhibit for the Management - Nil
 M1- Enquiry File.

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 333/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था ।

[सं. एल-12012/212/2001-आई आर (बी-1)]
 अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3321.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.333/2006) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the Management of State Bank of India, and their workmen, received by the Central Government on 20-11-2008.

[No.L-12012/212/2001-IR-(B-1)]
 AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Sri. P. L. Norbert, B. A., LL.B., Presiding Officer
 (Monday the 1st day of September 2008/10th Bhadrapad 1930)

I. D. 333 of 2006

(I. D. 36/2003 of Labour Court, Ernakulam)

Union : The State Secretary,
 State Bank's Staff Union,
 P.B. No. 6511, Zonal Office,
 LMS Compound,
 Trivandrum- 695033
 By Adv. Sri M. S. Unnikrishnan.
 Management : The Deputy General Manager,
 State Bank of India, Zonal Office,
 LMS Compound, Trivandrum-695033
 By Adv. Sri P. V. Surendranath.

This case coming up for final hearing on 27-8-2008, this Tribunal-cum-Labour Court on 1-9-2008 passed the following

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act 1947 challenging the denial of promotion to the workman Shri K. Radhakrishnan who had entered service as Canteen Boy of bank's canteen on 2-1-1978 at Tiruchirapally Branch of Tamilnadu. He was confirmed in the post of sub-staff on 2-7-1978. Subsequently when vacancy arose in the post of Record Keepers/Godown Keepers/Bill Collectors, Call letters were issued to sub-staff for test and interview for the purpose of promotion. The worker appeared 4 times in such tests. But he did not succeed. He appeared again a 5th time for the test and interview on 18-10-1992 and 27-4-1993 respectively and came out successful. He was selected as one among 25 successful candidates. His rank was 16th in the wait list. But according to the workman all, except him in the wait list, were given promotion. The workman challenged the action of the management in denying promotion by raising an industrial dispute before the Assistant Labour Commissioner (Central). However the conciliation failed and hence the reference.

2. According to the management the workman was appointed as canteen boy on 2-1-1978 which is a subordinate cadre. The essential condition for appointment to the said post was that the candidate should not have passed S.S.L.C. However the worker had passed S.S.L.C. in March 1970 long before he applied for the post. He had suppressed this fact while applying for the post of canteen boy. Since he was selected for appointment the management did not feel it fair to deny employment and out of consideration to him he was appointed as canteen boy. However it was specified in the appointment order that he would not be considered for promotion in any higher cadre in bank's service. This was also noted in the service sheet of the employee. It is due to oversight that the worker was called for test and interview to the post of Record Keepers/Godown Keepers/Bill Collectors etc. He cannot take advantage of the mistake committed by the bank in calling him for the test. He is not entitled for promotion.

3. In the light of the above contentions the only point that arises for consideration is :—

Is the workman eligible for promotion?

The evidence consists of the oral testimony of WW1 & 2 and documentary evidence of Exts. W-1 to W-10 on the side of the union and MW1 and Exts. M1 and M2 serids on the side of the management.

4. The Point:—It is an admitted fact that the workman Sri. K. Radhakrishnan was appointed on 2-1-1978 as Canteen Boy and he was confirmed in the post on 2-7-1978. Latter he was converted to Messenger Cadre on 1-2-1990. He was called for promotion test to clerical cadre from 1984 to 1992 five times and he failed in all the attempts except the last one in 1992. He was ranked 16th in the wait list. The worker admits that he had passed S.S.L.C. in 1970 long before his appointment as canteen boy. While in service he passed P.D.C. in 1979. He had also passed typewriting lower (English) and shorthand lower. According to the management bank the worker had suppressed his educational qualification while applying for the post of canteen boy. As per the recruitment rules canteen boy being a sub-staff the qualification prescribed is 8th standard and not a pass in S.S.L.C. Hence he was ineligible to apply for the post of sub-staff in 1978. Since this fact of passing S.S.L.C. was suppressed by him he was called for the interview and got selected. It is only thereafter that the management came to understand that he was over qualified. However the bank did not want to deprive him of the opportunity for service and hence with a stipulation that he would not be considered for future promotion to any cadre an appointment order was issued to him to the cadre of sub-staff on 2-1-1978. On the other hand the union submits that the worker had disclosed his qualification of having passed S.S.L.C. as well as typewriting lower (English) and shorthand lower at the time of applying for the job. According to the union the bank was well aware of this fact. The union denies that it was a conditional appointment barring promotion. According to the union the worker did not receive any such communication. The union challenges the endorsement in the service sheet to this effect by the management as a subsequent insertion made by the bank to deny the worker promotional chances.

5. It is not disputed that as per recruitment rules the qualification for the post of sub-staff is 8th standard and a pass in S.S.L.C. was a disqualification. Ext. M1 and M2 are service sheets of the workman. The qualification noted therein is S.S.L.C. completed. The personal and service details of the worker are shown in Exts. M1 and M2. But there is also an endorsement to the effect that the worker shall not be considered for appointment in any higher cadre at any time in terms of head office letter dated 3-10-1978. Ext. M1 and M2 are photostat copies. The original was produced but was in a mutilated condition. Hence photostat copy was marked. The original is in the file. The endorsement is typed in red ink. According to the union this was added subsequently by the management to deny promotion to the worker. It is not possible to find out whether the endorsement was there initially or whether it was added subsequently from Ext. M1 and M2. However the

academic qualification is noted as Kerala S.S.L.C. (10th standard). This is typewritten. No appointment order either original or copy is before the court. The management submits that they are not having a copy of appointment order and it is missing. They had called for production of the original appointment order from the workman. But the union filed an affidavit stating that the workman received only a confirmation order and nothing is mentioned therein about the original appointment order. According to the learned counsel for the union the workman had not received any such appointment order. If the bank is not in custody of a copy of appointment order, the position of a sub staff must be still worse. he may not even think it necessary to retain or preserve the appointment order for such a long time and would not have thought that some day in future it will be required. Therefore the contention of the management that had the original appointment order been produced by the workmen it would have gone against him, loses its force as confirmation order is produced by the union (Ext. W2) and it does contain any term barring promotion. Had there been a bar for future promotion definitely it would have been mentioned in the confirmation order Ext. W2. The service book contains an endorsement regarding the bar and it was noted on the basis of a letter of the head office dated 3-10-1978. But that letter is not produced to prove that the endorsement in service sheets barring promotion is an authorised order. It is important to note the contention in para 2 of the written statement of the management that since he was selected for the appointment of canteen boy the bank did not want to drop him out of humanitarian consideration, though it came to know that the worker had suppressed his educational qualification as S.S.L.C. It means that the management was aware of the qualification of the workman before appointment order was issued. The bank was not bound to appoint him just because they had selected him. Even if the management had issued appointment order and allowed him to join duty still thereafter the management could take disciplinary action by holding an enquiry and dismissing him from service. Instead of that they thought it fit to deny him promotion on the ground that he had suppressed his qualification at the time of applying for the job. The service sheets Exts. M1 or M2 mention only one qualification and that is S.S.L.C. The worker should have submitted an application for the job of canteen boy. He should have noted his educational qualification in the application. But the application is not produced. The management should have verified school records of the worker before he was appointed as canteen boy. Having failed to do that after the appointment the management cannot turn round and say that they were not aware of the qualification of the worker. Ext. W3 is an order of the management converting the worker as messenger w.e.f.

1-2-1990. There also nothing is mentioned about future promotion. Exts. W4, 5 and 7 are call letters issued by bank calling him for test and interview for clerical cadre. It is an admitted fact that he had appeared for promotion test 4 times before and failed. These tests were conducted from 1984 to 1992. But the bank says that they did not notice the disqualification of the workman for promotion for all these years. Unfortunately the workman failed in the test all the four times. But on a 5th occasion when he became successful both in test and interview and was ranked 16th in the wait list, wisdom dawned on the management that he was not eligible for promotion. All the necessary details regarding the workman and his educational qualification was already there on record. Ext. W-10 is a letter of the worker dated 7-6-1990 sent to the bank requesting to incorporate in the service sheet that he had completed P.D.C. and passed Type writing and shorthand lower. It is recorded in Ext. M1 service sheet that the worker had availed 3 chances for promotion test. Yet he was called for test and interview on a 4th and 5th time. Had there been an endorsement regarding the bar for promotion in the service sheet at least when it was recorded that the worker had availed 3 chances in the promotion test, the bank would have noticed the disqualification for promotion recorded in Ext. M1. Therefore it is not possible to accept the submission of the learned counsel for the management that he was taken in the service of the bank with a condition that he would not get promotion without a pinch of salt. There is no record to show that the ban order was communicated to the worker at any time. Had the management communicated the ban order he could have challenged the same in a competent forum. Therefore there is no merit in the contention of the management that the worker had suppressed his educational qualification when he had applied for the post of canteen boy. The endorsement regarding ban is a subsequent insertion in the service sheet (Ext. M1).

6. It was argued by the learned counsel for the management that it is as per Clause 3 of Ext. W1 Bipartite Settlement of 31-10-1977 (page 79) that the staff of canteen run by Local Implementation Committee, were considered for regular appointment as sub-staff of S.B.I. That provision does not allow relaxation in educational qualification, but only in age. The educational qualification prescribed is 8th standard. The the question is can the bank, after selecting and appointing the workman, deny promotion merely on the ground that the workman had suppressed his academic qualification. First of all there is no evidence to show that the workman had suppressed the fact. If the bank by oversight appointed the worker as sub-staff even then nothing prevented the bank from proceeding against him for disciplinary action. Once his appointment was confirmed he became a regular employee of the bank

and he is entitled to all the right of a regular employee. The bank cannot unilaterally decide to take away his rights for promotion without hearing him. No doubt promotion is not a matter of right of an employee. But the discretion of the management cannot be arbitrarily exercised to deny promotion. It is relevant to note the testimony of MW1, the Assistant Manager (HRM). According to him the entry of academic qualification of worker "Kerala S.S.L.C. (Xth standard)" in Exts. M1 and M2 was there from the very inception of the opening of service sheets (page 8MW1). He also admits that the name, qualification and permanent address of the employee are the initial entries made in service sheet Ext. M2. Ext. M2 was prepared in Tiruchirapally branch of the bank where the worker had joined service. After 1985 the Thiruvananthapuram Divisional Office was maintaining the service records of employees. Hence entries pertaining to the period subsequent to 1985 were made by Thiruvananthapuram Divisional Office (page 5). He also admits that there are no records to show that the original appointment order was issued to the worker (page 6). He also says that the first communication that was sent to the worker from the Branch, after receipt of letter dated 3-10-1978 of Head Office, is Ext. W2 confirmation order. But it refers to no ban order or to the direction in Head Office letter disqualifying the worker for promotion.

7. In the light of the above circumstances and the evidence I find that the worker has not suppressed his academic qualification while joining service as sub-staff. The bank had waived its rights to disqualify the worker and acquiesced to the over qualification of the worker and appointed him as sub-staff. The academic qualification was also noted in his service sheet at the time of opening the service sheets. No other qualification is noted in the service sheets Exts. M1 and M2. Ext. M2(a) endorsement banning future promotion is a subsequent insertion in the service sheets. There is no evidence to show that the ban order was communicated to the worker at any time. Hence on the ground of suppression of academic qualification the management cannot deny promotion. Having selected the worker on the basis of a test and interview, ranked him 16th in the wait list, having reported vacancy of 25 persons in the clerical cadre and obtained approval of the concerned authority, it was not proper for the bank to have denied promotion to the workman.

In the result an award is passed finding that the action of the management in denying promotion as record keeper/cashier to the workman Sri. K. Radhakrishnan is illegal and unjustified. He is entitled to be promoted. The management is directed to promote him at the earliest with retrospective effect before the 17th rank holder was promoted/or appointed, without

back wages, but with continuity of service and other consequential benefits.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 1st day September, 2008.

P. L. NORBERT, Presiding Officer

APPENDIX

Witnesses for the Union

- WW1 16-10-2007 -John Joseph
WW2 17-1-2008 -K. Radhakrishnan.

Witness for the Management

- MW1 7-2-2008 -Sri. Manoj Kumar K. K.

Exhibits for the Union

- W1 -Bipartite Settlement.
W2 -Letter dtd. 23-11-1978 of State Bank of India, Tiruchirapalli to the workman.
W3 -Letter dtd. 7-2-1990 of State Bank of India, Tiruchirapalli to the workman.
W4 -Letter dtd. 14-9-1992 of State Bank of India, Tiruchirapalli to the workman.
W5 -Letter dtd. 14-10-1992 of State Bank of India, Pottassery to the workman.
W6 -Letter dtd. 24-2-1993 of State Bank of India, Pottassery to the workman.
W7 -Letter dtd. 23-4-1993 of State Bank of India, Kanjirapuzha to the workman.
W8 -Copy of Minutes of the joint discussion held on 31-1-2001 before Assistant Labour Commissioner ©, Emakulam.
W9 -Letter dtd. 27-4-1993 of State Bank of India, Tiruchirapalli.
W10 -Copy of letter dtd. 7-6-1990 sent by K. Radhakrishnan to State Bank of India, Tiruchirapalli.

Exhibits for the Management

- M1 -Copy of Service sheet of Shri K. Radhakrishnan.
M2 -Copy of Service sheet of Shri K. Radhakrishnan.
M2(a) -Endorsement in Ext. M2.

नई दिल्ली, 20 नवम्बर, 2008

का.आ 3322.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार केथोलिक सिपारन बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 219/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/399/1999-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3322.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 219/2006) of Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in Industrial Dispute between the management of Catholic Syrian Bank Ltd., and their workmen, received by the Central Government on 20-11-2008

[No. L-12012/399/1999-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer (Friday the 31st day of October 2008/9th Karthika 1930)

I.D. No. 219 of 2006

Workman : The General Secretary,
Catholic Syrian Bank Staff
Association,
47, Unity Building, Mannadiar Lane,
P. B. No. 114, Thrissur.

By Adv. Sri Ashok B. Shenoy.

Management : The Chairman,
Catholic Syrian Bank Limited,
Head Office, Thrissur.

By Adv. M/s. B. S. Krishnan
Associates.

This case coming up in Adalat on 31-10-2008, this Tribunal-cum-Labour Court on the same day passed the following :

AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act.

2. When the matter came up for evidence the parties expressed their willingness for a settlement. Accordingly

the reference was taken up in Adalath and discussed. Ultimately the parties came to a settlement and signed a memorandum of settlement agreeing to pay revised pension and arrears of difference in pension and commutation value to the worker.

In the result, an award is passed in terms of the settlement and the memorandum of settlement will form part of the award.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 31st day of October, 2008.

P.L. NORBERT, Presiding Officer

Appendix Nil

IN THE CGIT-CUM-LABOUR COURT, ERNAKULAM

I. D. No. 219/2006

The matter is discussed and settled in Lok Adalath in the following terms:

The management agrees to pay towards arrears of difference in pension and commutation value which together come to Rs. 64,653/- as well as revised pension of Rs. 2,998/- per month from 1-11-2008 onwards. The union and worker are agreeable. The above terms are finalised and it is agreed by the parties that this will be the full and final settlement of all the claims of the worker. The amount will be paid within one month from today.

Dated this the 31st day of October, 2008

Union	Sd/-	
Workman	Sd/-	Management
Counsel for Workman	Sd/-	Counsel for Management:

Mediator

नई दिल्ली, 20 नवम्बर, 2008

का.आ 3323.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार फेडरल बैंक लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, इरनाकुलम के पंचाट (संदर्भ संख्या 258/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/421/2000-आई. आर. (बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3323.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 258/2006)

of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure in Industrial Dispute between the employers in relation to the management of Federal Bank Ltd., and their workmen, which was received by the Central Government on 20-11-2008

[No. L-12012/421/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR COURT, ERNAKULAM

Present: Shri P.L. Norbert, B.A., LL.B., Presiding Officer
(Friday the 26th day of September, 2008/4th Asvina, 1930)

I.D. No. 258 of 2006

Union : The General Secretary,
Federal Bank Staff Union,
No. 2, Champion Buildings,
Bank Junction, Alwaye-683101.

By Adv. H. B. Shenoy.

Management : The Chairman,
Federal Bank Ltd.,
Head Office, Federal Towers,
Post Bag No. 103, Alwaye-683101.

By Adv. M/s. B. S. Krishnan,
Associates.

This case coming up for hearing on 23-9-2008, this Tribunal on 26-9-2008 passed the following:

AWARD

This is a reference under Section 10 (1) (d) of Industrial Disputes Act:

“Whether the action of the management of Federal Bank Ltd. in imposing the penalty of dismissal without notice on Shri B. Bhaskaran Nair is legal and justified? If not, what relief he is entitled to?”

2. The facts in a nutshell are as follows :— Shri. B. Bhaskaran Nair was a Clerk of Federal Bank, Kayamkulam branch. While so, he was charge sheeted for misappropriation of money. An enquiry was conducted and he was found guilty. The Disciplinary Authority dismissed him from service. Though the workman filed an appeal it was dismissed. He filed a mercy petition before the chairman which was also dismissed. According to the Workman the allegations are vague and the penalty of dismissal is illegal. His service record is clean and the circumstances of the workman warrant lesser punishment even if he is guilty. The workman is without job and is suffering. He seeks reinstatement.

3. According to the management the workman had forged the signature of Manager (Admn.) and withdrawn Rs. 20,000/- from the Bank's profit and loss account. The

workman admitted the guilt in his reply to Ext. ME-18 memo of explanation. The Enquiry Officer found him guilty in the light of the oral and documentary evidence in the enquiry. A copy of the report was given to the workman and he was given opportunity to make submissions regarding findings. Considering the evidence on record the Disciplinary Authority confirmed the findings of Enquiry Officer and proposed punishment of dismissal without notice.

The workman was heard regarding punishment. Thereafter considering the seriousness of the misconduct he was dismissed from service. The appeal filed by him was rejected. There is no reason to interfere with the findings of punishment.

4. When the matter came up for hearing the learned counsel for the union confined his argument to the quantum of punishment alone. Therefore, the only point that requires consideration is:

“Whether the punishment is proportionate?”

The evidence consists of Ext. M1 Enquiry File alone.

5. **The point:—** The allegation against the workman is that he had forged the signature of Manager (Admn.) and prepared two debit vouchers for Rs. 21,965/- and by creating another two credit vouchers credited the said amount to the S. B. Joint account of his brother and brother's wife. Thereafter Rs. 20,000/- was withdrawn. After detecting the fraud the workman remitted the amount on the 2nd day. The workman admitted his guilt in Ext. ME-18 (in Ext. M1) reply to memo of explanation (Ext. ME-17). He has narrated the circumstances under which he happened to commit the misconduct. He stated that he has a large family to look after. His family is heavily indebted. His brother died and brother's family is to be looked after by him. His father was heavily indebted. The money lenders are harassing him being the sole person in the family having some income. Buckled under pressure of heavy indebtedness in a weak moment he happened to misuse bank's money. His past record is clean. He has rendered good service and was commended by the Managers in succession. He was a federalite member of the bank. An employee is qualified to be a federalite member only when good service is rendered for the development of the bank. His family consists of wife, two children, aged father and sister. He has to look after his brother's family as the brother died on 24-5-1997. In the light of these mitigating circumstances the learned counsel for the workman submits that a lenient view in the matter of punishment may be taken. The aforesaid circumstances were not carefully considered by the Disciplinary Authority.

6. The pressing circumstances do not justify an act of misappropriation. At the same time the management admits that no other disciplinary action has been taken against him. MW2 the Assistant Manager admitted in his cross examination at page 20 of the proceedings that the

workman was rendering good service to the bank. He had taken initiative for development of bank's business. The bank had good opinion about him till the incident. He was a federalite member. The workman admitted his guilt in Ext. ME-18 reply to the memo of explanation (Ext. ME-17) as well as before the Enquiry Officer when charge was read out to him. His only plea is to show him mercy in the matter of punishment.

7. The learned counsel for the management relying on two decisions of the Hon'ble Supreme Court submitted that a misconduct of fraud cannot be condoned at any cost and determination of quantum of punishment is the discretion of management. The decisions referred are:—

State Bank of India vs. Bela Bagchi (2005) 7 SCC 435. In that case the workman had misappropriated money of several customers on several occasions by making fictitious entries in pass books without remitting the amounts in respective accounts. The Hon'ble Supreme Court in the above circumstances observed that the charges were not causal and the instances were not solitary and therefore there was no reason to show leniency. Another decision relied on by the learned counsel is State Bank of India vs. Ramesh Dinkar Punde (200) 7 SCC 212. In that case the delinquent was a bank officer. He had fraudulently extended credit facilities to his friend. The Hon'ble Supreme Court held that the delinquent being a bank officer holds a position of trust where honesty and integrity are inbuilt requirements of functioning and it would not be proper to deal with the matter leniently. When such officer commits misconduct for his personal ends and against the interest of the bank and depositors he must be dealt with iron hands and not leniently. In the reported cases there were no mitigating circumstances to show any leniency in the matter of punishment. The case on hand differs. The workman has put in 23 years of unblemished service. His service was appreciated by the management and he was made a federalite member for four years. The incident in this case was the sole instance in which he happened to stray from the right path. He regrets for his misconduct and beats his breast with mea culpa. His family background is pathetic and in great financial crisis. Considering all these mitigating circumstances I think that the hardest of the hard punishment need not be imposed on him. The ends of justice will be served by imposing the punishment of discharge from service with superannuation benefits as contemplated in clause 6(d) of Supplementary Settlement dated 10-4-2002 to 7th Bipartite Settlement (See page 567 of Bipartite Settlements an H.P.J. Kapoor Publication, Twelfth Edition).

In the result an award is passed confirming the findings, but altering the penalty of dismissal without notice to discharge from service with superannuation benefits.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 26th day of September, 2008.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the Union	-	Nil.
Witness for the Management	-	Nil.
Witness for the workman	-	Nil.
Witness for the Management		
M1	-	7-7-2008 Enquiry file.

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3324.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ पटियाला के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ नं. 2 के पंचाट (संदर्भ संख्या 589/2K5) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/260/1989-आई आर(बी-1)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3324.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 589/2K5) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Chandigarh, as shown in the Annexure, in the Industrial Dispute between the Management of State Bank of Patiala, and their workmen, received by the Central Government on 20-11-2008

[No. L-12012/260/1989-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT-II, CHANDIGARH

Presiding Officer: Shri Kuldip Singh

Case I.D. No.589/2k5

Registered on : 12-1-1990

Date of Decision : 5-11-2008

Sukhminder Singh son of Sh. Rulda Singh Resident of V.P.O. Abul Dhurana Muktsar, District Faridkot, C/o Jai Singh Atwal, L.N.B. Kothi No. 35, Ajit Nagar, Patiala

.....Petitioner

Versus

Regional Manager- IV(C), State Bank of Patiala, S.C.O.
175-176, Sector 17-C, Chandigarh-160017

.....Respondent

For the Workman Sh. Hardial Singh Hundal,
Advocate

For the Management Sh. N.K. Zakhmi, Advocate

AWARD

The following reference was received for adjudication by the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh from Government of India, Ministry of Labour vide letter No. L-12012/260/89-IR(B-3) dated September, 1990.

"Whether the action of the State Bank of Patiala in dismissing Sh. Sukhminder Singh, Peon/Frsh at their Chamkaur Sahib Branch w.e.f. 27-2-1987 is legal and justified? If not, to what relief the concerned workman is entitled to and from what date?"

The reference remained on the file of CGIT, Chandigarh till 23-8-2005 when the same was transferred to this Tribunal for adjudication in accordance with law. This is how reference is under consideration of this Tribunal.

On the receipt of the reference notices were issued to the parties and they appeared and filed their pleadings in the shape of statement of claims, written statement, replication by the workman and supported the same with the affidavit of the workman and that V.K. Badhwar, Deputy Manager of the Management Bank, besides that of Subhash Goyal, Manager. The parties also placed on record photocopies of inquiry proceedings. The workman appeared as his own witness whereas the Management examined M/s. V.K. Badhwar and Subhash Goyal as their witnesses.

The claim of the workman is that he had worked as Peon-cum-Frsh in the Management Bank at Chamkaur Sahib from 7-10-1983 to 23-12-1995. That during that period, he was served upon with Charge-Sheet alleging that he has defrauded the Bank by tempering with official record including Ledgers and Registers. The workman filed reply to the Charge-sheet and denied the allegations. The Management rejected the reply and initiated inquiry against him. The workman asked the Enquiry Officer for copies of the documents but the same were denied to him. He did not afford reasonable opportunity to him to defend himself and gave his findings on conjectures and surmises. Management dismissed the workman from service vide their order dated 27-2-1987 even when there was not an iota of evidence produced against him in the proceedings. He was also not provided with the assistance of defence representative. He was not allowed to produce handwriting expert in his defence and thus the Inquiry Officer acted in a biased and vindictive manner and made the workman an

escape goat in the affair. The workman was also not allowed to cross-examine Gurmeet Singh and M.S. Mangat, Assistant Accountant and the questions put by him were disallowed. The Branch Manager concerned also took the benefit of the illiteracy of the workman and thus his dismissal from service was bad in law. They got the writing from him under duress and threat of life.

The Management filed written statement opposing the claim of the workman. According to them the reference is bad for non-joinder and misjoinder of the parties. It is claimed by them that the workman was charge-sheeted for misconduct by the Disciplinary Authority by Charge-sheet dated 20-3-1986. The workman did not file reply. The Management so as to ascertain the truth in the matter, decided to hold the departmental inquiry. It appointed an Inquiry Officer who held fair and proper inquiry and provided full opportunity to the workman to defend himself. After considering the inquiry report and the evidence available on record, the Disciplinary Authority issued a notice to the workman to show cause why the penalty of dismissal from service be not given to him in terms of bipartite settlement and Shashtri and Desai Awards. The reply given by the workman was considered, the material evidence brought on record was appreciated dispassionately and on finding misconduct proved, the disciplinary authority dismissed the workman from service vide order dated 27-2-1987. The workman filed appeal against the order, but the Appellate Authority did not find any merit in the appeal and rejected the same vide order dated 23-3-1987 and the order was conveyed to the workman vide letter dated 26-10-1987.

On merits it is submitted by the Management that workman was guilty of serious misconduct as noted in the Charge-sheet dated 20-3-1986 and which misconduct was proved during the fair and proper inquiry held. It is claimed by them that the workman was given full opportunity to prove his innocence. He was also allowed to bring a co-worker to represent him in the inquiry but he did not produce him and decided to defend himself. The workman was also allowed to examine relevant documents which the workman did. The workman attended the proceedings regularly. Denying the proximity of Gurmeet Singh, witness, with the Branch Manager it is stated by the Management that both had no such relations. The claim of the workman about failing to provide proper opportunity to defend him is also wrong. The workman was given full opportunity to produce his witnesses and a fair and proper inquiry was held in the case. In the end they have submitted that the claim of the workman is his concoction and is not true as he never raised the question of non-providing of facilities to defend himself. It is also claimed by them that the workman has made out a false story in order to save his skin. They have prayed for answering the reference against the workman.

The workman in the replication claimed that the preliminary objections raised by the Management are

baseless. They have wrongly claimed that the workman was provided with full opportunity to defend himself in the inquiry or that the Inquiry Officer had given full opportunity to the workman. The workman reiterated the facts stated in the claim petition and claimed that although he had requested for relevant documents but the same were denied to him. According to him the Branch Manager of the time was involved in the case, but he shifted the liability on the workman. He denied that there is evidence against him and stated that the charges were proved against him on surmises and conjunctures and throughout the proceedings the attitude of the Inquiry Officer towards the workman remained indifferent and biased.

The workman appeared as a witness and the Management was given full opportunity to cross-examine him. In his statement he admitted that he had been served with charge-sheet dated 20-3-1986. He denied having known Gurmeet Singh Account Holder. He further denied that he had prepared the voucher for an amount of Rs. 8,400 which in fact was only for Rs. 400 or the other voucher of Rs. 1064 was changed to Rs. 9064. He further denied having withdrawn Rs. 5000 and Rs. 3500 on 20th and 27th of November, 1985 in collusion with Gurmeet Singh or that they both had shared that amount. He admitted that an inquiry was held against him and he had attended each and every hearing. He further admitted that he was given opportunity to cross-examine the witnesses of the Management, but he had cross-examined them. He, however, claimed that since he was not provided with the documents, therefore, he was unable to cross-examine the witnesses. He further claimed that the Handwriting expert was not examined during the inquiry but in the same breath he admitted that he had cross-examined the Handwriting expert and also admitted that he was allowed to examine his witnesses but he did not produce any since the Management had not provided the copies of the relevant documents to him. He claimed that he had made report to the Inquiry Officer that the documents have not been supplied to him which is Exhibited W-2 to W 4. He further claimed to have made a complaint in this regard to the General Manager. He admitted that all the inquiry proceedings had been held in his presence and he had signed them. He further claimed that he was not given the personal hearing, and that he is working as a labourer earning Rs. 60 per day.

The perusal of the statement of the workman shows that a domestic inquiry was held before the termination of the service of the workman. He had participated in the inquiry proceedings and he was given opportunity to cross-examine the witnesses of the Management, but he chooses not to put them any questions. He therefore, failed to highlight the claim that Gurmeet Singh witness of Management was close to the Branch Manager and that

Gurmeet Singh had made the statement against the workman under the influence of Branch Manager or that the witnesses were averse to the workman and made false statement. He had cross-examined the Handwriting expert and he also provided with the opportunity to produce his own witnesses, but he admitted that he had not produced his witnesses. The explanation he gave was that since the copies of the documents were not provided to him, therefore, he had not produced his witnesses. He claimed that he had brought to the notice of Enquiry Officer and the General Manager that he has not been provided with the document. In the appeal he complained that he was not allowed to engage a defence representative nor was allowed to cross-examine the witness of Management or produce his own witnesses whereas in his statement before this Tribunal he admitted that he was given opportunity to cross-examine the witnesses of the Management but he had not cross-examined them. He further admitted that he was allowed to engage a defence representative and was also asked to lead his evidence but he had not produced any. Thus the allegations made against Enquiry Officer are proved to be wrong.

The workman has supported his claim with document marked W-2 to W-4. These are copies of representations made by the workman, two to the Enquiry Officer and third to General Manager, of the Management. The proceeding dated 11-9-1988 shows that the Enquiry Officer allowed the workman to consult the relevant documents and even thereafter he did not raise any claim. Before showing that documents to the workman in the enquiry the Enquiry Officer told the workman that he had already been provided with the copies of the documents P-3 to P-14 on 5-9-1980. The claim of workman of non supply of copies of documents is thus proved to be wrong. He further claimed that he had brought to the notice of the higher authorities as well as to the Inquiry Officer that the documents are not provided to him. In support of their claim the Management examined Shri Subhash Goyal who was the Inquiry Officer. They also examined Shri V.K. Badhwar as their witness. Mr. Badhwar in his statement denied that the workman was not given opportunity during the course of inquiry to defend himself. Shri Goyal in his statement admitted that there was no mention of witnesses to be examined by the Management nor the list of witnesses was attached with the Charge-sheet. There was also no mention of documents to be relied upon by the Management. He however, claimed that the workman was given the opportunity to cross-examine the witnesses, but he had refused to do so.

The photo copies of the inquiry proceedings are on records. The day to day proceedings show that the inquiry against the workman had started from 29-7-1986 and the Inquiry Officer had asked the workman to engage his nominee who will defend him but the workman refused.

The Inquiry Officer read over the Charge-sheet to the workman dated 20-3-1986 and made the workman to understand the same. The Presenting Officer, on the directions of the Inquiry Officer submitted the list of the documents and the witnesses to be produced in the inquiry. The Inquiry Officer directed the presenting Officer to provide the copies of the documents and the list of witnesses to the workman who attended all the proceedings and signed the same after its conclusion on everyday of inquiry. The proceedings dated 11th of September, 1986 show that the Enquiry Officer appraised the workman that he has already been supplied with the copies of documents and list of witnesses on 29-7-1981. He, however, provided assistance to the workman to examine those documents in the Enquiry. Thereafter the workman did not make any complaint. There is no substance in the claim of the workman that he was not provided with the documents and the list of witnesses, therefore he did not cross-examine the witnesses of the Management. There is mention in the proceeding date 12-9-1986 that the Inquiry Officer asked the workman to cross-examine the witnesses of the Management, but he refused to do so. In his own statement this Tribunal also the workman admitted that he was provided with the opportunity to cross-examine the witnesses of the Management, and that he had cross-examined the Handwriting expert. He, however, claimed that he was not in a position to cross examine the other witnesses of the Management as he was not provided with the documents. As I stated earlier there is no evidence to show that the workman had ever told to the Inquiry Officer that despite his directions the Presenting Officer has not provided him the list of documents and witnesses to be examined in the inquiry. The Enquiry Officer himself provided the assistance to the workman to examine those documents and list during the enquiry proceedings. There is no other grievance raised by the workman against the fairness of enquiry.

After going through the inquiry proceedings I find that the Management had held a fair and proper inquiry in the matter. The workman was properly charge sheeted. He filed the reply to the Charge-sheet. The Management, however, did not feel satisfied with the reply filed by the workman, therefore, they ordered the holding of domestic inquiry against the workman. They appointed the Inquiry Officer, conducted the inquiry properly, explained the charge-sheet to the workman and also issued directions to the Presenting Officer to provide the list of documents and witnesses to be produced, to the workman. The Presenting Officer produced the witnesses, who were examined and the workman was given opportunity to cross-examine the witnesses but except the Handwriting expert, he did not cross-examine witnesses. He was also given opportunity to produce evidence in his defence but he produced none. He was also given opportunity to

engage defence representative. Although he took time to do it but did not associate any defence representative and the inquiry was concluded. The workman thus has failed to point out any lapse on the part of the Management in conducting the inquiry. The workman was entitled to fair opportunity to defend himself which included knowing the charge against him, an opportunity to engage defence representative, cross-examine the witnesses of the Management and to produce his own evidence. Thus the Inquiry Officer acted properly, although the workman did not utilize the opportunity and chose not to produce any evidence. The workman has also failed to show as to how the appellate authority failed in its duty while disposing off his appeal. The workman claimed that Gurmeet Singh, the witness in the case was under the influence of the Branch Manager, but he failed to prove this fact by direct or indirect evidence that Gurmeet Singh made the statements against the workman under the influence of the Branch Manager. He has also failed to prove that he was not given opportunity by the Inquiry Officer to cross-examine M.S. Mangat the witness of the Management. He rather admitted that the Enquiry Officer had given him opportunity to cross-examine the witnesses of Management but he himself had not cross examined them.

It is settled principal of law that the Tribunal cannot substitute its opinion to that of disciplinary and appellate authorities as these authorities are sole judge of facts. Once the finding based on appreciation of evidence is recorded, the Tribunal or High Court cannot interfere with the factual findings unless the same is perverse or legally untenable. Reference in this regard can be made to the judgment of Hon'ble Supreme Court in the case reported as 1999 (1) S.C.T. 642.

The next question which falls for consideration is whether the punishment awarded is disproportionate to the Misconduct alleged and proved. I think it is not since it is proved to be a case of fraud committed in a financial institution by its employee. Such an act shakes the very confidence and trust of its customers and ultimately affects the reputation of the institution; any employee who commits such misconduct does not deserve any leniency.

In view of the discussions made above I am of the opinion that the action of the Management in dismissing the services of the workman was legal and justified as the same was done after holding a fair and proper inquiry against him. The workman is, therefore, entitled to no relief. The reference is answered against him and the award is passed. Let a copy of the award be sent to the appropriate Government for necessary action and file be consigned to records after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3325.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, इरनाकुलम के पंचाट (संदर्भ सं. 14/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12011/101/2006-आईआर (बी-11)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3325.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Canara Bank and their workman, which was received by the Central Government on 20-11-2008.

[No. L-12011/101/2006-IR (B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present: Shri P. L. Norbert, B.A., LL.B., Presiding Officer (Friday the 7th day of November 2008/16th Karthika 1930)

I.D. 14 of 2007

Union : The State Secretary,
Canara Bank Employees Union,
P. Balakrishna Menon Smarakom,
Ambujavilasam Road,
Thiruvananthapuram-695 001

(In person)

Management : The General Manager,
Canara Bank, Central Office,
Thiruvananthapuram-695 001

(In person)

This case coming up for final hearing on 7-11-2008, this Tribunal-cum-Labour Court on the same day passed the following.

AWARD

This is a reference made under Section 10(1)(d) of Industrial Disputes Act, 1947 challenging the action of the management in imposing the punishment of reduction to a lower stage in the scale of pay by one stage for a period of 2 years against the workman, Sri. Abdul Hameed.

2. When the matter came up for consideration the parties expressed their willingness to amicably settle the dispute. Accordingly they filed a joint statement agreeing for a modified penalty on the employee.

In the result, an award is passed finding that the action of the management in holding the workman Sri. Abdul Hameed guilty of the misconduct alleged against him is legal and justified but punishment is altered and modified in terms of the settlement to reduction to a lower stage of scale of pay by one stage for a period of one year. The joint statement will form part of the award.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 7th day of November, 2008.

P. L. NORBERT, Presiding Officer

Appendix : Nil

BEFORE THE HON'BLE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

ID No. 14 of 2007

Canara Bank Employees Union Claimant/Canara Bank
Vs. Employees Union

Canara Bank Opposite Party/
Canara Bank

Joint Statement

The above case was posted for settlement on 7-11-2008. the matter is compromised and as directed by the Hon'ble Court both parties to the I.D. are filing a joint statement.

The punishment imposed "reduction to a lower stage of scale of pay by one stage for a period of two years" would stand modified to "Reduction to a lower stage of scale of pay by one stage for a period of one year".

The Hon'ble Court may pass an order to this effect.

Dated 7-11-2008

(A.P. Krishanan, Vice Chairman) Canara Bank
Canara Bank Employees' Union Circle Office
Claimant Claimant
Opposite Party.

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3326.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 33/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/202/1993-आईआर (बी-11)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 33/94) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workman, which was received by the Central Government on 20-11-2008.

[No. L-12012/202/1993-IR (B-II)]
KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA
PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH**

Case No. I.D. 33/94

Smt. Swarna, W/o Shri Shyam Lal, W-66, Ali Mohalla,
Jalandhar (Pb.)-144001. Applicant

Versus

The Chief Manager, Punjab and Sind Bank, I.B.D.
Jalandhar (Punjab) 144001. Respondent

APPEARANCES

For the Workman : Sri Subhash Talwar

For the Management : Sri J. S. Sathi

AWARD

Passed on 5-11-2008

Government of India *vide* notification No. L-12012/202/93 IR (B-2) dated 27-4-1994 referred the following industrial dispute to this tribunal for adjudication:—

“Whether the claim of Smt. Swarna, Ex-Sweeperess, Punjab and Sind Bank, Jalandhar that she has not resigned her job, but the bank management have illegally terminated her services w.e.f. 21-10-1992 is correct? If so, what relief is the said workman entitled to?”

The claim of the workman in nut shell is that she was appointed as Sweeperess by the respondent management on 3-7-1991 and remained in uninterrupted employment upto 20-10-1992. On 21-10-1992 her services were terminated by the management of the bank on the wrong pretext that she has resigned from the services on 6-8-1992, whereas, she has never resigned. She denied for tendering any resignation letter *vide* his letter dated 7-12-1992. She also made a request to supply the alleged letter of resignation but the same was not supplied to her. The management of the bank illegally terminated his services in violation of the provisions of Industrial Disputes Act and accordingly, she has prayed for his reinstatement into the services with full back wages.

Management of respondent appeared and alleged that workman voluntarily submit her resignation letter dated 6-8-1992. The same was accepted by the prescribed authority on 21-10-1992 and the workman was relived from the services hence forth.

Both of the parties were afforded the opportunity for adducing evidence, oral and documentary. Smt. Swarna filed her affidavit Ex. W1 and she was cross-examined by learned counsel for the management of the bank. Ex-2 is the copy of the letter written by Chief Manager to Smt. Swarna dated 21-10-1992 informing her that her resignation letter dated 6-8-1992 is accepted and she is relieved from the bank. Ex. W3 is the copy of the letter written by Smt. Swarna to the Chief Manager Punjab and Sind Bank Jalandhar on 7-12-1992, infroming him that she has never resigned and asking him the copy of the resignation letter to take further action in this regard. Ex. W4 is the suspension letter of Smt. Swarna. She was suspended due to a police case registered against her in connection with attempting burglary/theft at the office of the bank. Ex. W5 is the copy of the judgment delicered by Judicial Magistrate Ist Class, Jalandhar in FIR No. 110, dated 5-8-1992 under Section 457/380/511 of I.P.C. acquitting Smt. Swarna from all the charges leveled against her on benefits of doubt.

Shri S. S. Gandhi, the Manager of Punjab and Sind Bank, Jalandhar filed his affidavit in support of his case and he was cross-examined by learned counsel for the workman. He also filed certain documents alongwith his evidence. Ex. M2 is the copy of suspension letter of Smt. Swarna which is same as Ex. M4, Ex. M3 is the letter accepting the resignation of Smt. Swarna dated 9-10-1992. Ex. M4 is the letter dated 21-10-92 written by Chief Manager of the Bank to Smt. Swarna relieving her from the duty on account of acceptance of her resignation letter dated 6-8-1992. It is the same letter which is filed by the workman as Ex. M2.

I have heard learned counsel for the parties and pursued entire materials on record. The main question for determination before this Tribunal is whether Smt. Swarna has resigned from the services *vide* litter dated 6-8-1992, the copy of which was filed during the proceedings before this Tribunal as mark A. It is the case of the management that Smt. Swarna resigned from the services on 6-8-1992 voluntarily with intention to prevent herself from any departmental action for his illegal act of attempting burglary/theft in the office for which a FIR was also recorded. The letter dated 6-8-1992 is said to be forwarded by the manager to the prescribed authority *vide* letter dated 17-9-1992 and the same was accepted on 21-10-1992, and accordingly, Smt. Swarna was informed *vide* letter dated 21-10-1992 about the decision of the disciplinary authority for accepting her resignation and relieving her from the services. After a long time, she surprisingly brought a letter

to the Chief Manager of the bank on 7-12-1992 denying the tendering of any resignation letter. She also asked the copy of the resignation letter, if any. It is the case of the management that the original resignation letter has been lost in the bank and the bank filed the photocopy of the letter as mark A, containing the legible contents of the letter and the signature of the workman on it.

The workman has claimed that she approached the bank very promptly without any delay. Delay in approaching the bank in any case depends on the facts and circumstances of the case. No hard and fast rule can be laid down for such purpose. It is the admitted fact that workman was informed by the bank on 21-10-1992 that she stands relieved from the service on account of acceptance of her resignation letter dated 6-8-1992. It is a very strong circumstances that upto 7-12-92 almost for two and half months, the workman kept mum of her resignation letter, which is the conduct of the workman against the normal behavior of a man of prudent in the natural course. If a workman has received a letter that she is relieved from the service on account of acceptance of her resignation letter, had she not given the resignation letter, she would have aback of the relieving letter and approached the competent authority without any delay. The man of prudent under the normal circumstances should not have, behave in the manner, Smt. Swarna did by not mentioning and disputing the same before the prescribed authority for two and half months. So it was the after thought of Smt. Swarna which was added by the fact that the original resignation letter was lost in the bank which prompted her to make the representation that she has not resigned at all.

The proceedings before the Tribunal are altogether different then the proceedings before the Criminal or the Civil Courts. Before the Tribunal or in the departmental proceedings, provisions of law of evidence are not applicable as such, but rules of evidence are applicable. While applying the rules of evidence, the Tribunal has to determine whether there is a nexus between the act of resignation, accepting it and relieving the workman from the services. Photocopy of the resignation letter is on record as mark A and its contents is clearly legible. This letter is signed by the wokman, as claimed by the management, and the signatures of Smt. Swarna are matching with her admitted signatures on her affidavit Ex. W1 and on letter dated 7-12-92. Thus, on account of agitating the matter quite late after two and half months by getting opportunity to agitate the matter on account of lost of original resignation letter from the bank and on matching the signatures of Smt. Swarna, I am of view, that there is a great nexus in the fact that the Smt. Swarna resigned to escape herself from any departmental liability in the case for attempting of burglary and theft and the fact that her resignation letter was duly forwarded by the manager on 17-9-92 and accepted by the disciplinary

authority on 21-10-92 and the decision was communicated to her on 21-10-92. Thus, on the basis of the above discussion, I am of the view, that Smt. Swarna has resigned from the services on 6-8-92. She herself had not withdrawn the resignation letter dated 6-8-92 before its acceptance on 21-10-92 and the resignation letter became final as soon as it was accepted and the workman stands relieved from the services. Thus, the reference is negatively answered that the claim of Smt. Swarna Ex-Sweeperess, that she has not resigned from the job but the bank-management has illegally terminated his services w.e.f. 21-10-92 is not correct. She has voluntarily resigned the job on 6-8-92 which was accordingly accepted as per the rules of the bank. Let the Central Government be informed. File be consigned.

G K. SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3327.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 77/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/85/1991-आईआर (बी-11)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3327.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 77/91) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen, which was received by the Central Government on 20-11-2008.

[No. L-12012/85/1991-IR (B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE SHRIGYANENDRAKUMARSHARMA
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR
COURT-I, CHANDIGARH**

Case No. I. D. 77/91

Sh. Rai Singh, S/o Sh. Baldev Singh R/o Village Chohra,
The Garhshankar District Hoshiarpur ...Applicant

Versus

Zonal Manager, Punjab National Bank, Zonal Office,
Gandhi Market, Ludhiana ...Respondent

APPEARANCES

For the Workman : Sh. M.L. Basoor
 For the Management : Sh. N.K. Zakhmi

AWARD

Passed on 5-11-2008

Government of India *vide* notification No. L-12012/85/91-IR (B-II) dated 25-6-91 referred the following industrial dispute for judicial adjudication of this Tribunal:—

“Whether the action of the Chief Manager, Punjab National Bank, Ludhiana in dismissing the services of Sh. Rai Singh S/o Sh. Baldev Singh, Peon w.e.f. 25-9-89 is legal and justified? If not, to what relief the concerned workman is entitled and from what date?”

The case of the workman in nut shell is that he was employed in the bank as Class-IV employee on 5-3-86 and was posted at Phagwara Branch of the Bank. A charge sheet was issued to him on 2-5-88 by Chief Manager, Punjab National Bank, G. T. Road Phagwara containing some charges. He answered the charges but the Chief Manager without considering the reply started the departmental proceedings in the form of enquiry in haste. No opportunity of being heard was given to him. He was not afforded the opportunity for adducing the defense evidence. After the completion of formalities of enquiry, the disciplinary authority without giving proper opportunity and without affording opportunity of personal hearing inflicted the punishment for his dismissal from the services w.e.f. 25-9-89. He also filed the appeal but the appeal was dismissed. The entire enquiry proceedings are against the principles of natural justice, void and illegal. He has claimed to be entitled for reinstatement into the services with full back wages.

The management appeared and apposed all the contents of statement of claim by stating that proper opportunity was given to the workman. Two dates were afforded to enable him to engage a defense representative. He was failed to appoint any defense representative, and thereafter, he himself cross-examined all the witnesses of the bank. The witness he produced in defense was also cross-examined. After the enquiry proceedings and before the findings of the enquiry (enquiry report), he was also afforded the opportunity for submitting his briefs. The briefs were submitted and after considering them, enquiry report was given. It has also been alleged by the management that the charge against the workman were very grave in nature. He has misappropriated the money of the bank by committing the fraud with the bank. He stole two cheques Nos. 887227 and 887452 and filled in them in his own handwriting and with the help of his colleague

Sh. Gopal Krishan, Sweeper, misappropriated the amount withdrawn fraudulently. Considering the nature of misconduct, he was dismissed from the service and accordingly, appeal against the dismissal order was also dismissed.

Both of the parties were afforded the opportunity for adducing evidence. Workman and the then Bank Manager were examined before this Tribunal. Complete enquiry report is on record.

I have heard learned counsels for the parties. Learned counsel for the workman has stressed again and again on the issue that both of the cheques which were said to be stolen were in the almirah of Bank Manager. There was no occasion to the workman to bring these cheques from the almirah of Manager and misappropriated the amount from any account in the bank. The Manager was equally responsible for the losing of cheques and the action was taken only against the workman.

Learned counsel for the workman has also argued that on repeated request that the proceedings of the enquiry be initiated either in Hindi or Gurmukhi, the proceedings were held in English language against the interest of the workman. Workman is 8th Class pass and he is not so conversant with English language to understand the nature of enquiry, so it was the violation of the rules of principle of natural justice and on this ground the departmental proceedings should be vitiated.

Learned counsel for the workman has further argued that there is no confessional statement given by the workman, whereas, the enquiry officer has given the finding on the basis of confessional statement alone.

Learned counsel has relied upon the following case laws:

1. The Ambala Board of Education and another Vs. Beant Singh, SLR 1982(2) (Pb. & Hry.) Page 317.
2. P. Sreeramulu and another Vs. P. Jaganmohan Reddy, C.J. and Sambasiva Rao, J., AIR 1970 Page 114.
3. Ram Kumar Vs. State of Haryana, Lab I.C. 1987, AIR 1987 Supreme Court 2043 Page 1890.
4. Daya Nand College for Women Vs. The State of Haryana, RSJ 1995 (1) Page 798.
5. N. Sundaramurthy and Others Vs. The Lieutenant Governor of Pondicherry and another 1990 (6) SLR Page No. 212.
6. Channabasappa Basappa Happali Vs. The State of Mysore, AIR 1972 Supreme Court Page No. 32.

7. Managing Committee, Khalsa High School Vs. Presiding Officer, Schools Tribunal, Punjab and others, 2008 (1) SCT Page No. 539.
8. Rao Rallapalli Vs. State of Andhra Pradesh SLR 1968 Page 77.
9. Satya Prakash Varshney, Junior Engineer Vs. Union of India and others, 1980 (3) SLR 1968 Page No. 64.
10. M. L. Duggal Vs. The Netaji Subhash National Institute of Sports, Patiala and others 1992 (1) RSJ Page No. 69.

I have gone through all the case laws referred by learned counsel for the workman. Most of the cases are not relevant in the instant case because the facts and circumstances are altogether different. Whereas, the cases which are under Section 311 of the Constitution relating to the principle of natural justice shall be complied with as to the ratio part of the judgment while answering this reference.

Learned Counsel for the management has argued that the finding of the Enquiry Officer is not only based on confessional statement but also on the other evidence given before the Enquiry Officer.

I have perused the entire materials on record. The main questions before this Tribunal for determination are as follows :

1. Whether enquiry was conducted by the enquiry officer in a fair and reasonable manner, and whether there has been no violation of any rules of principle of natural justice ?
2. Whether the enquiry officer has rightly given the finding on both of the charges to be well proved ? If yes, its effects.
3. Whether disciplinary authority was justified in giving the punishment of dismissal from the services ?
4. To what relief, if any is the workman entitled ?

I am answering these issues one by one :

I have gone through the entire enquiry file. The workman was charged on two counts as follows :—

“On 12-3-1988, you stole a loose cheque No. 887227, filled in for payment of Rs. 7000 (Rs. Seven Thousand only) from SF Account No 44946. You

forged the signature of the depositor on front as well as backside of the cheque and got it passed from the Passing Officer, Shri J. S. Bagga after entering the amount in the ledgersheet. The said entry was made by you in the Teller Card of SF A/c No. 44946 and SF Long Book No. 4 also on 12-3-1988. You picked up unauthorisedly token No. 53 with the fraudulent motive and obtained the payment of this cheque from Head Cashier through Shri Gopal Krishan, Sweeper of the branch.”

“On 30-3-1988 you obtained the payment of cheque No. 887452 through Shri Gopal Krishan for Rs. 10,000 (Rs. Ten Thousand only) purported to have been issued from SF A/c No. 45661, against token No. 2 which was picked up by you unauthorisedly with the fraudulent motive. The said cheque was taken out of cheque book having leave from 887451 to 450 stolen by you from the Bank. You filled in the cheque in your handwriting & forged the signatures of the depositor on front as well as back of the cheque along with the signatures of the Passing Officer. You made the entry of the cheque in SF Long Book No. 4 on the said date.”

Opportunity was given to answer the charge sheet. The copy of the charge sheet was also provided to the workman. The workman answered the chargesheet on 6-6-88, denying the withdrawal of any amount namely Rs. 10,000 and 7000 on both of the cheques No. 887227 and 887452 but has admitted in his reply that he filled in both of the cheques. He has also been stated that Sh. Gopal Krishan, Sweeper brought the cheques to him and asked him to fill it for the customer. He had not seen the customer but filled in the cheques.

Dissatisfying with this answer, enquiry was instituted and every possible opportunity during the enquiry was given to the workman. The proceedings shows that he was given the opportunity to appoint any defense representative. On account of his failure to appoint any defense representative, Enquiry Officer proceeded further ensuring the full opportunity of being heard to the workman. The workman was present in person on every date. He cross-examined all the witnesses. He was also given the opportunity for adducing defence witness and, accordingly, he adduced one defence witness as well. After providing the opportunity for briefs, the Enquiry Officer gave the finding on both of the charges as well proved. Disciplinary authority after providing the opportunity of personal hearing on the proposed punishment passed the punishment of dismissal of the workman from the services.

It was for the first time before the appellate authority that workman raised the issue of language. Once again, after affording the opportunity of being heard, his appeal was also dismissed.

The workman has claimed that he is not conversant with the English language but, surprisingly, all his communication with the Enquiry Officer is in English. He answered the charge sheet in English. Entire proceedings are in English. The show cause notice is in English. Till the time of punishment, he was understanding the English language very well and it was just after the infliction of punishment that he became in conversant with English language. Surprisingly, the memorandum of appeal in which he has complained that the Enquiry Officer has ignored his request to conduct the enquiry either in Hindi or in Gurumukhi has also been drafted in English language. So, I am not inclined to accept the contention of learned counsel for the workman that as the enquiry proceedings were not held in Gurumukhi or Hindi, there has been the violation of principle of natural justice and the enquiry report should be quashed only on this ground. The act of workman by making a request in English language to the appellate authority that the enquiry proceedings should not have been in English language shows that it is just a casual statement and just a face wash by the workman. No prejudice has been caused to him.

On perusal of entire materials on record, I am of the view that at every stage of enquiry, the Enquiry Officer has afforded the opportunity of being heard and there seems to be no violation of any right of principle of natural justice. Enquiry was conducted in a fair and reasonable manner as provided under the rules.

Now I have to answer the issue No. 2 whether the Enquiry Officer has rightly given the finding as both of the charges well proved. A careful perusal of the enquiry report and its proceedings shows that Enquiry Officer has given its finding on the evidence recorded by him as well as the admission of the workman. The witness of the bank Sh. J. S. Bagga was examined and cross-examined in detail. He stated categorically, how it was possible to have the possession of cheques by the workman and to get the amount of Rs. 17,000 withdrawn from the bank fraudulently. There is no inconsistency and no other evidence which give this opportunity to the Tribunal for raising any adverse inference in entire evidence of Mr. Bagga. He has given evidence on the opportunity of getting cheques, on handwriting of the workman and on maintaining the ledger and relevant record relating to the two cheques by the workman. Moreover, the two facts have been admitted by the

workman. First is fill in the cheques in his own handwriting and another is deposition of the amount in the bank. The documents containing the entries of withdrawal of Rs. 17,000 on the basis of these two cheques are also on record. A careful perusal of the oral and documentary evidence shows that the Enquiry Officer has not given the finding on the basis of the admission of the workman alone but he has perused the entire evidence on record including the admission of workman. It is true that workman has stated that he has deposited the amount under pressure of the Enquiry Officer and appellate authorities, but there is no idea of evidence which proved that workman deposited the amount under some coercion or pressure.

Thus, on perusal of the entire materials on record, I am of the view that the Enquiry Officer has rightly held both of the charges well proved against the workman and I find no reason to interfere in the finding of the Enquiry Officer.

I am also unable to accept the contention to learned counsel for the workman that this act of fraudulent withdrawal was also due to the negligent act of the manager and no action against the manager was taken by the bank which raised a doubt that workman was wrongly implicated to the same bank manager, because the inaction or negligent act of the bank Manager cannot dilute the misconduct of the workman. Without commenting on the conduct of the Manager concerned (not within the purview of this Tribunal in this reference), I am authorized by law only to hold that conduct of the Manager will not affect the misconduct of this workman which is proved beyond doubt.

The workman committed a gross misconduct by fraudulently withdrawing Rs. 17,000 on the basis of two cheques. He entered the entries in the cheque, made the entries in the ledger register and concerned documents and then withdrew the amount by influencing the officials of the bank by his position. Such type of misconduct particularly in the financial institutions like bank should be dealt with severely. Accordingly, I am of the view that the disciplinary authority was justified on inflicting the punishment of dismissal from the services of the workman after affording him the opportunity of personal hearing on proposed punishment. There is no occasion for this Tribunal to interfere in the punishment inflicted by the disciplinary authority and accordingly, the workman is not entitled to any relief from this Tribunal.

The reference is accordingly answered. Let Central Government be informed for the publication of this award and, thereafter, file be cosigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2008

का.आ. 3328.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसारण में केन्द्रीय सरकार न्यू बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 1, चण्डीगढ़ के पंचाट (संदर्भ सं. 95/91 को प्रकाशित करती है, जो केन्द्रीय सरकार को 20-11-2008 को प्राप्त हुआ था।

[सं एल-12012/67/1991-आईआर (बी-II)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 20th November, 2008

S.O. 3328.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 95/91) of the Central Government Industrial Tribunal-cum-Labour Court, No. 1 Chandigarh as shown in the Annexure, in the industrial dispute between the employers in relation to the management of New Bank of India and their workmen, which was received by the Central Government on 20-11-2008.

[No. L-12012/67/1991-IR (B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

**BEFORE SHRI GYANENDRA KUMAR SHARMA
PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT-1 CHANDIGARH**

Case No. 1.D. 95/91

Shri Balbir Singh S/o Shri Tek Chand Sharma 25- Sant
Nagar, Civil Line, Ludhiana (Punjab)

... Applicant

Versus

The Regional Manager, New Bank of India, Regional
Office Bhatinda Respondent

APPEARANCES

For the Workman: Sri T.C. Sharma

For the management: Sri Rajesh Gupta

AWARD

PASSED ON: 3-11-2008

Government of India vide notification no. L 12012/67/91-IR (B-II) dated 26-7-91 referred the following industrial dispute to this Tribunal for judicial adjudication:—

“Whether the claim of Shri Balbir Singh that he was an employee of the New Bank of India is correct? If so whether the management of the New Bank of India was justified in terminating his services? What relief if any, is the workman entitled to?”

From the vary language of the reference it is clear that main question for determination before this Tribunal is whether Shri Balbir Singh was the employee of the New Bank of India? The workman stated himself as employee of the bank and allegedly worked with the bank from 24-5-84 to 19-6-85 as SPO for watch and ward duty. Total period of working days comes to over an year. The bank has been amalgamated with the Punjab National Bank and services of the employees of New Bank of India have been transferred to the Punjab National Bank with the same tenure and with the same rights and privileges w.e.f. 1993. It has also been stated by the workman that he worked throughout the period under the administrative control of the Branch Manager like other employees posted in the branch and worked for safety and security of the bank as gun retainer/armed guard. He was paid by the bank directly. The bank terminated his service on 19-6-95, illegally, without notice or retrenchment compensation in violation of provisions of Section 25F, 25G, 25-H and 25-N of Industrial Disputes Act, hence, this reference.

The management of New Bank of India (now amalgamated with Punjab National Bank) filed the written statement and opposed all the facts mentioned in the statement of claim filed by the workman. It was stated by the management in written statement that keeping in view the extra-ordinary law and order situation in the State of Punjab, and with a view to appropriate security of the banks in the State of Punjab, the then Advisor to the Governor of Punjab, Shri Surinder Nath had meeting with the senior officers of all the banks in the State on 27-3-84. In this meeting the matter how to provide the security to various branches of all the banks was considered and certain decisions were taken. On the basis of the decisions taken on 27-3-84. Senior Superintendent of Police of every District was supposed to recruit SPO's under Section 17 of the Police Act, 1861 to be deputed to every branch of the bank. No. salary was to be given to the SPO but they were given the honorarium of Rs. 15/- per day, which was subsequently enhanced to Rs. 30/- per day, through the Superintendent of Police. Thus, in compliance of the decisions taken on 27-3-84 SSP, Firozpur after taken interview of Balbir Singh, appointed him as SPO in the concerned branch of New Bank of India and accordingly, the honorarium was paid by the bank through SSP Firozpur. When the services of SPO Shri Balbir Singh were not required, this arrangement was discontinued. The workman was not employee of the bank, thus, no question of his termination arose. There was no master-servant relationship between Shri Balbir Singh and the bank and accordingly, the bank was not obliged to issue any notice to the workman on discontinuation of his services provided to the bank.

Both of the parties adduced the oral evidence. Management of respondent also preferred to file certain documents. Annexure-1 is the appointment letter issued

by SSP Firozpur under Section 17 of the Police Act, 1861. Annexure-3 is the copy of the judgment dated 9-7-1991 passed in CWP No. 161/98 by Punjab and Haryana High Court by S.J. Bench. Annexure 4 is the copy of the judgment dated 25-11-93 passed by the Punjab and Haryana High Court in Sukhdev Singh and others Vs. State of Punjab and others. The minutes of meeting between Shri Surinder Nath Advisor to the Governor of the Punjab and all the officers of the banks dated 27-3-84 has also been filed by the management. In compliance of the decision taken in the meeting, the Inspector General of Punjab, C.I.D. Punjab, directed all the Senior Superintendents of Police in Punjab and Superintendents of Police at Kapurthala and Ropar for recruitment of security guards and posted at the various branches of the bank. The copy of this letter is also on record.

I have perused the entire evidence oral and documentary and other materials on record. The decision whether the workman was an employee of the bank is very easy to answer from the plain reading of the documents file by the management. Form Annexure-1, it is clear, that the workman Shri Balbir Singh was appointed by the Senior Superintendent of Police Firozpur under Section 17 of the Police Act 1861 for specific purpose to provide the security to the bank in the adverse law and order situation. This appointment letter was issued on account of the decision taken in the meeting in between Shri Surinder Nath the then Advisor of The Governor of Punjab and the officers of all the banks. The minutes of the decisions taken on 27-3-84 contains clause 4 which provides as follows:—

“It will be made plain to all individuals employed on this duty that they are not regular employees of the bank and should not, therefore, harbour in their minds any claim for permanent employment or other concessions which are available to Bank employees. However, as and when a Bank security force is raised, they will be given preference in the matter of recruitment provided they are found fit otherwise and their performance has been upto the mark during this period. Employment as SPO is not a regular government service. It is only an adhoc arrangement which has been provided in the Police Act to tide over a difficult law and order situation and the money proposed to be paid to them is not a salary but actually an honorarium for meeting out their pocket expenses etc.”

As extra force was required for the protection and security of the banks in Punjab, it was decided that the recruitment shall be made by the SSP concerned and honorarium shall paid by the bank through SSP.

Thus, on perusal of the entire materials on record the following facts are clearly established:—

- (1) That the workman was recruited/appointed by SSP, Firozpur and not by the management of the bank.

- (2) That the services of the workman were provided on the direction of the SSP on account of the decision made in the meeting dated 27-3-84 for specific purpose to provide the safety and security to the bank.

- (3) No pay or salary was determined but only honorarium was to be paid to the workman and the rate of honorarium was Rs. 15/- thereafter, Rs. 30/- and it was further enhanced.

- (4) The honorarium was paid to the workman through SSP, it was not directly paid to the workman.

- (5) The workman as SPO was under the administrative control of the SSP and not of the manager of the concerned branch.

Thus, on the basis of the above, no employer-employee relationship existed between the bank and the workman and it cannot be claimed that he was the employee of the bank. Moreover, this issue whether the SPO's are the Government employees has been finally decided by the Hon'ble Punjab and Haryana High Court LPA No. 209/92 Gurdeep Singh and others Vs. State of Punjab and others. While dealing with the cases of SPO's, Hon'ble the Punjab and Haryana High Court in the said judgment held as under:—

“Further, in dealing with this matter, it must be appreciated that special police officers were appointed to deal with special situation of temporary nature. In appointing them, no regular cadre was constituted. They, of course, constitute a special class, separate and distinct from regular police officers, but they can be no means to be compared to regular police officers in the matter of enrolment, training, discipline or even pay scales.”

On the basis of the above observation Hon'ble the Division Bench of High Court decline to regularize the services of SPOs.

It is true that Hon'ble the Division Bench of Punjab and Haryana High Court passed the above order in an appeal against the order and judgment of a Single Judge Bench of High Court of Punjab and Haryana dated 9-7-1991 directing the State Government to pay the same salaries at the same rate at which the guards employed by the banks or the constables recruited by the States are paid. Through this order Hon'ble the Division Bench of Punjab and Haryana High Court settled the issue that the SPO's are not entitled for the same pay as that of the constables and security guards for the reasons mentioned in the judgment as referred above. Hon'ble High Court has specifically held that SPO's cannot be treated as Govt. servant.

Thus, on the basis of the above observation, I am of the view that neither Shri Balbir Singh was recruited nor

terminated by the bank. The services of Shri Balbir Singh were provided by the State, through SSP Firozpur, to the bank for a specific purpose regarding security concern. He was not under the administrative control of the bank and nor paid the wages by the bank directly. As per the scheme of the State of Punjab honorarium was paid to him and that was through the SSP Firozpur. Accordingly, I have no hesitation to hold that Shri Balbir Singh was not an employee of the New Bank of India (now Punjab National Bank) and he is not entitled to any relief. The reference is accordingly answered. Let the Central Government be informed. File be consigned.

G. K. SHARMA, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2008

का.आ. 3329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबन्ध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय न. 2, मुम्बई के पंचाट (संदर्भ सं. 2/52/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/65/2006-आईआर (बी-II)
कमल बाखरू, डेस्क अधिकारी

New Delhi, the 21st November, 2008

S.O. 3329.—In Pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 2/52/2006) of the Central Government Industrial Tribunal No. 2, Mumbai as shown in the annexure in the industrial dispute between the employers in relation to the management of Bank of India and their workmen, which was received by the Central Government on 21-11-2008.

[No. L- 12012/65/2006-IR(B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

Present : A. A. Lad, Presiding Officer

Reference No. CGIT-2/52 of 2006

EMPLOYERS IN RELATION TO THE
MANAGEMENT OF BANK OF INDIA

The Deputy General Manager,
Bank of India
Mumbai, South Zone
70-80, M.G. Road
Bank of India Building
Mumbai-400023.

And

Their Workmen
Shri Suresh Vasnani
Room No. 5, Barrack No. 1683,
Section 25
Behind Mahavir Hospital
Ulhasnagar 421004.
Dsitt. Thane (MS).

APPEARANCES

For the Employer : Mr. L.L. D' Souza
Representative
For the Workmen : No Appearance

Mumbai, dated 4th November, 2008

AWARD

1. The Government of India, Ministry of Labour, by its Order No. L-12012/65/2006-IR(B-II) dated 15-09-2006 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 have referred the following dispute to this Tribunal for adjudication :—

"Whether the action of the Management of Bank of India, Mumbai South Zone, Mumbai in imposing the compulsory retirement punishment to Shri Suresh Vasnani w.e.f. 10-10-2001 is justified? If not, what relief the workman, Shri Suresh Vasnani is entitled to?"

2. After receipt of reference, notices were sent to both parties. Exhibit-4 & Exhibit-8 reveals that, it was served on workman. However, since beginning he is absent. Claim Statement is not filed and no other supporting case is made out to allow the reference. Looking his absence I do not find it necessary to proceed with the reference, hence the order:

ORDER

Referene is disposed of for want of prosecution.

Date: 04-11-2008

A. A. LAD, Presiding Officer

नई दिल्ली, 21 नवम्बर, 2008

का.आ. 3330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण इरनाकूलम के पंचाट (संदर्भ संख्या 84/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2008 को प्राप्त हुआ था।

[सं. एल-12012/180/2000-आईआर (बी-II)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 21st November, 2008

S.O. 3330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 84/2006) of Central Government Industrial Tribunal-cum-Labour Court, Ernakulam as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 21-11-2008.

[No. L-12012/180/2000-IR (B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

Present : Shri. P.L. Norbert, B.A., LL.B., Presiding Officer
(Monday the 22nd day of September, 2008/
31st Bhadrapada, 1930)

I. D. 84 of 2006

(I.D. No. 10/2001 of Labour Court, Ernakulam)

Workman: K. V. Unnikrishnan,
S/o Kannan. V. V.,
Vandichal House,
Near Railway Station,
Pappinisseri. P. O.,
Kannur -670 561

By Adv. H.B. Shenoy

Management: The Zonal Manager,
Indian Bank,
Zonal Office,
Anandhi, Chittoor Road,
By Adv. S. Easwaran.

This case coming up for final hearing on 18-9-2008, this Tribunal on 22-9-2008 passed the following :

AWARD

This is a reference made under Section 10 (1) (d) of Industrial Disputes Act. The reference is:—

“Whether the claim of the disputant, Shri K.V. Unni Krishnan that he was engaged as a Casual/Temporary Sub-staff by the management of Indian Bank (Pappinisseri Branch) during the period from 16-7-1979 to 11-1-1997 is factually correct? Whether his claim for reinstatement and regularisation in Bank's service is justified and legal? If not, to what relief is the disputant concerned entitled to?”

2. The facts of the case in brief are as follows:—
Sri. K.V. Unni Krishnan was a Peon of Indian Bank Pappinisseri Branch. According to him he was engaged from 16-7-1979 to 11-1-1997 against a permanent vacancy and he was doing work of a permanent nature. He worked continuously with artificial breaks of one or two days in a month. While so he was retrenched from service on 11-1-1997 without complying with S.25-F of I.D.Act. While

the workman was retrenched his juniors were retained violating S.25-G of the I.D. Act. Besides new hands were taken without re-employing the workman violating S. 25-H of I.D.Act. The workman at several times made representation to the management to absorb him in service. But no steps were taken in that regard by the management. The termination is illegal and the workman is entitled to be re-instated and regularised in service with back wages and continuity of service and other attendant benefits.

3. On the other hand the management contends that the workman had not worked 240 days in any year of his service. He was not retrenched from service on 11-1-1997. He had worked only up to April, 1983. His service was not continuous. The bank had decided to offer one time opportunity for empanelment of temporary employees. This was in pursuance to Government guidelines. Bank has issued a circular and published notice in the notice boards of other branches and in newspaper calling for applications from temporary employees for the purpose of empanelment provided the applicants had worked 90 days or more during 1-1-1982 to 31-12-1989. The worker had also applied. However, he had worked only 57 days during the period. Hence his application was rejected. Since the workman has not worked 240 days continuously in a year he is also not entitled to the protection of Section 25-F of the I.D. Act. There is no violation of either S. 25-G or H of I.D. Act. Therefore, the workman is not entitled for any relief.

4. In the light of the above contentions the following points arise for consideration :

1. Is the claimant entitled for empanelment of temporary employees?
2. Has he worked continuously for 240 days preceding retrenchment?
3. Whether the management has violated S. 25-F, G and H of I.D. Act?
4. Reliefs, if any?

The evidence consists of documents Ext. M-1 to M-5 on the side of the management, Ext. W1 on the side of the workman and Court Exts. X-1 to X-6.

5. Point No.1: The workman was engaged by the Bank as Peon since 16-7-1979. This fact is admitted. But continuous service and the date of retrenchment claimed by the workman are denied by the bank. The Ministry of Finance by Ext.X-1 Guidelines had directed all public sector banks to stop appointment of temporary employees and to go by the approach paper in Ext.X1 on the issue of temporary employees. Based on the guidelines the bank has issued Ext.X-4 circular regarding empanelment. As per the circular those temporary employees who had worked for 90 days or more during the period from 1-1-1982 to 31-12-1989 were entitled for empanelment. There was a memorandum of settlement under Section 18(3) of I.D. Act reached between management and the unions in the presence of Assistant Labour Commissioner, Madras on 6-7-1992 (Ext.X5). The settlement was with regard to the empanelment of temporary employees. Ext.M-1 is copy of application dated 30-10-1992 of worker for empanelment. As per Ext.M1 his

period of service is 91 days between 16-7-1979 and 31-12-1989. Whereas as per Ext.X-5 settlement and X-4 circular the period of service required is 90 days during 1-1-1982 to 31-12-1989. Ext.M2 is the representation of the workman to the General Manager (Admn.) wherein he stated that he was disengaged by the bank in 1983 and he had not completed 120 days then. He was making a request to reconsider his name for temporary engagement in view of the decision of the bank to empanel temporary employees. Ext.M2 is dated 13-3-1996. In Ext.M2 he has no case that he had worked upto 1997 or up to 1989. Ext.M3 is another representation to the Zonal Manager dated 26-12-1996 where he stated that he had worked as temporary sub-staff in Pappiniseri branch for more than 90 days between July 1979 and April 1983. Ext.M3 go against his claim in the application, Ext.M1 wherein he claims that he had worked 91 days between 16-7-1979 and 31-12-1989. Exts. M4 and M5 are letters of Chief Manager to Zonal Office (Personnel Department) informing that the request of the workman for empanelment was considered for empanelment and rejected. Ext. W1 is original letter sent to the worker by the Pappiniseri Branch Manager on 5-3-1997 informing him that his representation for engagement as temporary sub-staff cannot be considered. Ext.X2 is a letter of Branch Manager Pappiniseri to Personnel Department, Zonal office intimating the details of break up of service of the workman. As per that letter he had worked a total period of 92 days from July 1979 to April 1983. The service is not continuous. In a month he had worked 6 or 7 days and sometimes less than that. Ext.X-3 is a copy of register of wages of temporary employees and Ext.X6 is the original register. As per that he had worked only 57 days during the period from 1-1-1982 to 31-12-1989. Going by the very representation of the workman in Ext.M2 he had worked only up to April 1983. Within that period he had worked only 57 days. Naturally he is not eligible for consideration for empanelment which demands minimum service of 90 days during the period from 1-1-1982 to 31-12-1989. Since he had not rendered service of 90 days during the relevant period his request could not be considered by the bank. It follows therefore that he is not entitled for empanelment.

6. Point No. 2 and 3:— According to the workman he had worked 18 years as temporary sub-staff from 1979 to 1997. However I have already mentioned that he had worked only up to April 1983 and as per Ext.X2 which shows break up of service a total period of 92 days alone he had worked from July 79 to April 83. Ext.X3 register of wages also confirms this fact. Unless the workman had worked continuously for a period of 240 days in an year preceding termination of service he cannot claim the protection of S.25-F of I.D. Act. He had no continuous service and altogether he had worked only 92 days. Therefore he is not eligible to get the benefits of S.25-F. There is no evidence to show that any junior was retained by the bank while the workman was retrenched. So also there is equally no evidence that any new hands were taken after retrenchment of the workman as temporary peon. Hence there is no violation of either Section 25-F, G or H of I.D. Act.

7. Point No.4 :—See Award Portion.

In the result an award is passed finding that the claim of the worker that he was engaged as a casual/temporary sub-staff in management bank during the period from 16-7-1979 to 11-1-1997 is factually incorrect. The worker is not entitled either for reinstatement or for regularisation in service or for any other relief.

The award will come into force one month after its publication in the official gazette.

Dictated to the Personel Assistant, transcribed and typed by her, corrected and passed by me on this the 22nd day of September, 2008.

P. L. NORBERT, Presiding Officer

Appendix

Witness for the Union - Nil

Witness for the Management - Nil

Exhibit for the Workman

W1 - 8-10-2007 - Letter dated 5-3-1997 sent by the management to the workman.

Exhibits for the Management

M1 - 17-4-2008 - Copy of application format dated 30-10-1992 of the workman.

M2 - 17-4-2008 - Copy of representation dated 13-3-1996 of the workman to the management.

M3 - 17-4-2008 - Copy of representation dated 26-12-1996 of the workman to the management.

M4 - 17-4-2008 - Copy of communication dated 26-04-1996 of the management.

M5 - 17-4-2008 - Copy of communication dated 15-2-2007 of the management.

Court Exhibits

X1 - Copy of letter No.F 3/3104/87-IR dated 16-08-1990 of M/o Finance (Copy of the guidelines issued by Govt. of India relating to regularization and absorption of Temporary employees in sub-staff cadre.

X2 - Copy of letter dated 20-08-1996 of Indian Bank, regarding details of engagement from 16-07-1979 to 23-04-1983

X3 - Copy of register of wages.

X4 - Copy of Circular No. PRNL.99/1992 dated 12-10-1992 issued by the personal department of the Management Bank.

X5 - Copy of Memorandum of settlement dated 06-07-1992 between Management and Union before the ALC (Central), Chennai.

X6 - Original register of wages.

नई दिल्ली, 21 नवम्बर, 2008

का.आ. 3331.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मारमगोआ पोर्ट ट्रस्ट के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के

बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण न. 2, मुम्बई के पंचाट (संदर्भ संख्या 2/8/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-11-2008 को प्राप्त हुआ था।

[सं. एल-36011/3/2007-आई.आर. (बी-II)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 21st November, 2008

S.O. 3331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/8/2008) of Central Government Industrial Tribunal No.2 Mumbai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Mormugao Port Trust, and their workmen, which was received by the Central Government on 21-11-2008.

[No. L-36011/3/2007-IR (B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

Present : A.A. Lad, Presiding Officer

Reference No. CGIT-2/8 of 2008

Employers in relation to the Management of

Mormugao Port Trust

The Chairman

Mormugao Port Trust

Headland Sada

Goa 403 804.

And

Their Workmen

The General Secretary

Mormugao Port & Railway Workers Union

Main Administrative Office Building

Mormugao Port Trust

Headland Sada

Goa-403 804.

APPEARANCES

For the Employer : Mr. M.B. Anchan, Advocate.

For the workman : Mr. A.J. Peters,
Representative

Camp Goa, dated 18th September,, 2008

AWARD

1. The Government of India, Ministry of Labour, by its Order No. L-36011/3/2007-IR(B-II)] dated 08-01-2008 in exercise of the powers conferred by clause (d) sub-section (1) and sub-section 2(A) of Section 10 of the Industrial

Dispute Act, 1947 have referred the following dispute to this Tribunal for adjudication:-

"Whether the action of the management of Mormugao Port Trust, Goa in not granting promotion to Shri Natividade Pires, Sr. Store Keeper is legal and justified? If not, to what relief the workman is entitled for?"

2. Claim statement is filed in support of demand at Ex-9 and matter was posed for filling of written statement of the first party.

3. Menawhile both parties appeared with settlement Ex-11 which was put up before Lokadalat conducted at Goa. Hence the order:

ORDER

Inview of Ex-10 & Ex-11, reference is disposed of in Lok-adalat conducted at Goa Camp.

Date: 18-09-2008

Camp : Goa

A.A. LAD, Presiding Officer

Proceedings of the Lok Adalat held at Goa on 18-9-08

Panel Members

Shri M.B. Amonkar - Advocate

Ms. N. Lotlikar, Advocate

Shri D.B. Ambekar - Advocate

Reference No. CGIT-2/8/2008

1. Mormugao Port Trust

v/s

2. Mormugao Port & Railway Workers union

Since in matter has been settled and parties filed the settlement and requested the Hon'ble Tribunal to dispose of the reference, proceedings has been forwarded to Hon'ble Tribunal for Award

A.J. PETERS, President

Mormugao Port & Railway
Worker's Union

M.B. ANCHAN, Advocate
for the MPT

J.B. DHAWALE,
Dy. Sectarary (IR)

(Natividade Pires)
Workman

D. B. Ambekar, Advocate

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI.

Reference No. CGIT-2/8 of 2008.

Mormugao Port Trust

v/s.

Mr. Natividade Pires,
Workman/Materials
Management Dept./MPT.

Terms of Settlement

May it please your honour:

The parties to the above reference have amicably settled the above reference in terms of the Office Order No. MM/Gen/05/2008/150 dated 15-4-2008 issued by Chief Mechanical Engineer, Statutory, Authority for Materials Management Dept. A copy of said office order is annexed hereto as Ex. "A".

It is therefore prayed that the above reference may be disposed of accordingly.

Goa.

Dated: 18-9-2008.

A.J. PETERS, President
Mormugao Port & Railway
Worker's Union

M.B. ANCHAN, Advocate
for the MPT

J.B. DHAWALE,
Dy. Secretary (IR)

• (Natividade Pires)
Workman

MM/GEN/05/2008/150

15-04-2008

OFFICE ORDER

In accepting the recommendations of the Review Departmental Promotion Committee held on 15-04-2008, Shri Natividade Pires, Sr. Storekeeper (D), EDP No. 123055, in the pay scale of Rs. 5500-200-6100-220-11380 is hereby promoted on regular basis to the post of Mat. Asst. (D) in the pay scale of Rs. 6170-230-7320-245-11975 in the Materials Management Department with effect from the date he takes over the charge of the post.

Shri Pires will be on probation for a period of 2 years as per the regulation in force. During the period of probation, he may be required to undergo such training and pass such test as the Board may prescribe from time to time.

In the event Shri Pires desires fixation of pay on promotion initially under FR 22(i) (a) (i) and refixation on the accrual of annual increment in the lower post, he should exercise his option within one month from the date of assuming the charge of the said higher post. The option, once exercised, shall be final and any option received thereafter will be treated as time bound.

(K.C. Kuncheria)
Chief Mechanical Engineer
Statutory Authority for MM

To,

Shri Natividade Pires,
Sr. Storekeeper (Depot),
EDP No. 123055,
MM Dept./MPT.

.... Thro AMO (D)

CC to:

1. Secretary/MPT
2. FA & CAO/MPT
3. Personal file
4. Pay Bill Clerk, MM Dept., —for necessary action
5. Muster File.

एमएम/सी/05/2008/150

15-04-2008

कार्यालय आदेश

दि. 15-04-2008 की हुई पुनरीक्षण विभागीय पदोन्नति समिति की सिफारिशों को स्वीकार करते हुए श्री नतीविदादीपरीस. वरि. भंडारी (डी). हड्डोपी 123055, वेतनमान रु. 5500-200-6100-220-11380 को वस्तु प्रबंध विभाग में रु. 6170-230-7320-245-11975 के वेतनमान में वस्तु सहायक (डी) के पद पर नियमित आधार पर पद का कार्यभार ग्रहण करने की तारीख से पदोन्नत किया जाता है।

श्री पिरिस विद्यमान नियमों के तहत दो वर्षों की अवधि के लिए परीक्षा पर रहेंगे। परीक्षा अवधि के दौरान उन्हें मण्डल द्वारा समय समय पर निर्धारित प्रशिक्षण प्राप्त करना और परीक्षा में पास होना होगा।

यदि श्री पिरिस चाहते हैं तो एफ.आर. 22(i)(ए)(i) के तहत आरंभ में पदोन्नति और निचले पद पर वार्षिक वेतनवृद्धि की तारीख को वेतन का नियतन कर सकते हैं। इसके लिए उन्हें उच्च पद का कार्यभार ग्रहण करने की तारीख से एक माह के भीतर अपना विकल्प देना चाहिए। इसके बाद प्राप्त किसी भी विकल्प को कालातीत माना जाएगा।

(के. सी. कुंचरिया)

मुख्य यांत्रिक अभियंता
एम एम के सांविधिक प्राधिकारी

सेवा में,

श्री नतीविदादीपरीस
वरि. भंडारी/123055
वस्तु प्रबंध विभाग
एमपीटी/बायना/गोवा

...द्वारा एएमओ (डी)

CC to:

1. सचिव/एमपीटी
2. विस व मुलेअ
3. वैयक्तिक फाइल
4. वेतन लिपिक
5. O/c
6. M/file

From: Natvidade Pires,
Materials Assistant(D)
EDP No. 123055,
MM Dept., Baina.
Date: 15-04-2008

To,

The Materials Manager (I/c),
Mormugao Port Trust,
Baina, Vasco Da Gama.

Sub: Charge Report

(2) The Deputy General Secretary, UCO Bank Employees'
Union, G.T. Road, Jalandhar City.

.... Applicant

Versus

Sir,

With reference to your office order No. MM/Gen/5/
2008/150 dt. 15/4/2008.

UCO Bank, the Zonal Manager, UCO Bank, Zonal Office,
Chandigarh-160022

.... Respondent

I have to inform you Sir, that I have taken charge as
Materials Assistant (D) on regular basis in Depot w.e.f
15-04-2008 F.N

I am requesting you Sir, I want option II under FR
22 (I)(a)(i)

Thanking You,

Yours faithfully,

(NATIVIDADE PIRES)

नई दिल्ली, 21 नवम्बर, 2008

का.अ. 3332.—औद्योगिक विवाद अधिनियम, 1947 (1947
का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूको बैंक के
प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध
में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण
न.1, चण्डीगढ़ के पंचाट (संदर्भ संख्या 235/99) को प्रकाशित
करती है, जो केन्द्रीय सरकार को 21-11-2008 को प्राप्त हुआ था।

[सं. एल-12011/64-65/1999-आई.आर. (बी-II)]

कमल बाखरू, डेस्क अधिकारी

New Delhi, the 21st November, 2008

S.O. 3332.—In pursuance of Section 17 of the
Industrial Disputes Act, 1947 (14 of 1947), the Central
Government hereby publishes the award (Ref. No. 235/99)
of the Central Government Industrial Tribunal-cum-Labour
Court No. 1, Chandigarh as shown in the Annexure, in the
Industrial Dispute between the employers in relation to the
management of UCO Bank, and their workman, which was
received by the Central Government on 21-11-2008.

[No. L-12011/64-65/1999-IR (B-II)]

KAMAL BAKHRU, Desk Officer

ANNEXURE

BEFORE SHRI GYANENDRA KUMAR, SHARMA,
PRESIDING OFFICER, CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1,
CHANDDIGARH

Case No. I.D. No. 235/99

(1) The State Secretary, UCO Bank Staff Association C/o
UCO Bank, Circular Road, Bhiwani

For the workman :

Shri A.N. Verma

For the management:

Shri K.K. Kaushik

APPEARANCES

AWARD

Passed on 5-9-2008

The Central Government vide notification
No. L-12011/64-65/1999-IR (B-II), dated 28-10-1999 has
referred the following dispute to this Tribunal for
adjudication:

"Whether the action of the management of UCO
Bank in abolishing the post of Head Peon at UCO
Bank branch at Rohtak is legal and justified? If not,
what relief the aggrieved unions is entitled to?

2. The present reference was made by the Central
Government on the failure of conciliation proceedings for
adjudication of the matter referred in the schedule referred
above and the workman prayed for declaring the action of
the management as illegal and invalid.

3. The management turned up and opposes this
reference.

4. As per office memorandum dated 30-4-08, this
case was fixed in pre Lok Adalat meeting on 5-9-08 for its
disposal by adopting the mediation and conciliation
mechanism. The Union representative and Shri K.K.
Kaushik for the management made a statement that both
parties have agreed that the post of head peon, will not be
considered to be abolished. In view of the same the
reference may be disposed of as settled in Lok Adalat. In
view of the above settlement, the workman/union withdraws
this reference in Lok Adalat. Accordingly the reference is
returned to the Central Government as settled in Lok Adalat.
Central Government be informed. File be consigned to
record.

Chandigarh

5-9-08

G.K. SHARMA, Presiding Officer